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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Seventy-second year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twenty-fourth and final annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex), which states that:

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

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Letter of transmittal

Letter dated 1 August 2017 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the twenty-fourth and final annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 1 August 2017, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the Tribunal.

(*Signed*) Carmel **Agius**
President

Twenty-fourth and final annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twenty-fourth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2016 to 31 July 2017. It is the Tribunal's final annual report, pending its anticipated closure on 31 December 2017.

The Tribunal continued to make solid progress towards the final implementation of its completion strategy. All 161 individuals indicted for serious violations of international humanitarian law are accounted for, and only two substantive cases remain: one trial and one appeal. Both cases are on track for delivery of judgment by 30 November 2017, with judges and staff working extremely hard to ensure that all judicial work is completed on time. There is still one pending contempt case, with Serbia continuing to refuse to execute arrest warrants for the accused. The present report details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's firm commitment to completing its proceedings expeditiously and in accordance with due process and fair trial rights.

During the reporting period, Judge Carmel Agius (Malta) continued to serve as President of the Tribunal and Judge Liu Daqun (China) as Vice-President. The President and Vice-President continued to monitor the progress of cases and undertake measures to prevent and avoid delays, including by attempting to counter staff attrition.

In addition to the core judicial work, the Tribunal's liquidation efforts remained a key priority and, indeed, picked up pace during the reporting period. The Tribunal is committed to a smooth and successful liquidation process and to learning from the experience of the International Criminal Tribunal for Rwanda. As part of those activities, the International Tribunal for the Former Yugoslavia continued to work hard to ensure the smooth transition of its functions to the International Residual Mechanism for Criminal Tribunals.

Under the leadership of the President, the Tribunal also continued to make the most of its final opportunities to consolidate its image in the region of the former Yugoslavia and beyond, through its Legacy Dialogues, a series of legacy and closing events.

The Office of the Prosecutor remained focused on expeditiously completing its trial and appeal proceedings, while simultaneously managing its downsizing process and transferring its functions to the Office of the Prosecutor of the Mechanism. It continued to rely on the cooperation of States as required by article 29 of the Tribunal's statute and remained committed to promoting effective war crimes prosecutions in the former Yugoslavia, but deplores Serbia's return to a practice of non-cooperation with the Tribunal in relation to the arrest and transfer of indictees.

The Registry continued to provide legal, administrative, technical and logistical support to the Tribunal's judicial activities, while also focusing on and coordinating the Tribunal's liquidation, including preparations for further downsizing and the transfer of records to the Mechanism, in the light of the Tribunal's imminent closure.

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I. Introduction

1. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 presents herein its twenty-fourth annual report to the General Assembly and Security Council, this being the Tribunal's final annual report before its closure on 31 December 2017. The twenty-fourth annual report outlines the activities of the Tribunal for the period from 1 August 2016 to 31 July 2017.

2. During this final reporting period, the Tribunal continued to make solid progress towards the successful conclusion of its mandate and the ultimate implementation of its completion strategy, as endorsed by the Security Council in its resolution 1503 (2003) and 1534 (2004). It remains on track to close by 31 December 2017. All 161 individuals indicted for serious violations of international humanitarian law are accounted for, and only two substantive cases remain: one trial case, involving one individual, and one appeal case, involving six individuals. In the final trial case of *Prosecutor v. Ratko Mladić*, closing arguments were presented in December 2016 and the Trial Chamber is fully engaged in deliberations and in the drafting of the judgment. In the final appeal case of *Prosecutor v. Jadranko Prlić et al.*, the appeal hearing was held in March 2017, and the Appeals Chamber is likewise fully focused on ongoing deliberations and judgment drafting. In both cases, the estimate for delivery of judgment remains unchanged at November 2017, as previously forecast.

3. In the pending contempt case of *Prosecutor v. Jojić et al.*, however, Serbia has continued to refuse to cooperate with the Tribunal throughout the reporting period and again failed to execute arrest warrants for the indictees, which were issued in January 2015. Following the reported death in June 2017 of one of the three accused, it is expected that the case against Jovo Ostojić will be terminated by the Trial Chamber.

4. Throughout the reporting period, Judge Carmel Agius (Malta) and Judge Liu Daqun (China) continued to serve as President and Vice-President of the Tribunal, respectively. Serge Brammertz (Belgium) continued to serve as Prosecutor and John Hocking (Australia) as Registrar.

5. Each organ of the Tribunal continued to undertake measures to ensure completion of the Tribunal's mandate by the end of 2017, not only with respect to concluding the remaining judicial work, but also by focusing on the need for an efficient liquidation process and smooth final transition to the International Residual Mechanism for Criminal Tribunals. In addition, under the leadership of President Agius, the Tribunal continued to focus on consolidating its legacy prior to its closure, both in the region of the former Yugoslavia and beyond, through its Legacy Dialogues, a series of legacy and closing events.

II. Activities involving the entire Tribunal

A. President

6. President Agius oversaw the Tribunal's work during the final annual reporting period, cooperating closely with the Registrar, judges and management to ensure the timely completion of the remaining trial and appeal cases and a smooth and successful liquidation process. While his primary focus remained on his judicial work and on meeting his responsibilities to close the Tribunal by 31 December 2017, the President also continued to work on consolidating the image of the

Tribunal through the Legacy Dialogues events. In addition, the President oversaw the Tribunal's continued reporting requirements in relation to an evaluation of the methods and work of the Tribunal undertaken in 2016 by the Office of Internal Oversight Services (OIOS). The President represented the Tribunal at international forums and met with representatives of various countries, as well as high-level officials of the United Nations. Further details on all activities are provided below.

1. Ensuring timely completion of the Tribunal's judicial work

7. The President and Vice-President coordinated closely with judges, management and staff of the Tribunal to ensure that the final trial and appeal proceedings remain on track for completion by November 2017 and to reduce the risk of potential delays.

8. The President and Vice-President continued to actively monitor the progress of the remaining cases, with the Trial and Appeals Scheduling Working Group, chaired by the Vice-President, continuing to meet regularly to monitor and report on trials and appeals, ensure that cases are kept on track and identify and prevent any possible causes of delay. Both the President and Vice-President took all possible measures to prevent and address the impact of continued staff attrition, which constitutes the most significant threat to the Tribunal's ability to conclude all judicial work on time. Such measures included assigning additional legal staff to teams requiring assistance as a result of the departure of highly experienced staff, offering promotions as an incentive to retain staff and continuing to explore the possibility of other retention incentives.

9. In particular, in October 2016, the Tribunal presented to the Department of Management a proposal for retention incentives for staff members who remain at the Tribunal until the end of their respective contracts, in the hope that it would be submitted for the urgent consideration of the General Assembly. The proposal is similar to a previous proposal submitted by the Tribunal in 2008, which was endorsed by the International Civil Service Commission and recommended by the Advisory Committee on Administrative and Budgetary Questions, but unfortunately, no final action was taken by the Fifth Committee of the General Assembly. Unlike in 2008, when the previous proposal was submitted, the Tribunal's completion strategy has a firm target date of 31 December 2017, and staff attrition has already reached a critical level. In addition, the Tribunal's downsizing plan has largely been implemented, meaning that there are far fewer staff members eligible for retention incentives and the costs involved are considerably reduced. Finally, the revised proposal applies only to the Tribunal, unlike the previous proposal, which applied also to the International Criminal Tribunal for Rwanda. Unfortunately, the Tribunal has not received a definitive response from the Department of Management to its proposal of October 2016, which has not been presented to the General Assembly. The President followed up with a letter addressed to the Under-Secretary-General for Management in April 2017 and subsequently raised the proposal in a series of meetings, including with the Secretary-General, in May 2017. The President thanks the Secretary-General for his receptivity and his understanding of the situation. The Tribunal is still awaiting a final response to the proposal.

10. Despite the considerable challenges posed by rapidly declining staff numbers, the Tribunal's judges and staff continued to work extremely hard during the reporting period in order to be able to meet strict internal deadlines for deliberations and drafting in the remaining cases. Staff members are already working overtime to complete the mandate, and the load and pace of work are only expected to increase in the lead-up to the delivery of judgment. The President takes this opportunity to express his deep and heartfelt gratitude to all staff members for their outstanding work, efforts and dedication during this final chapter of the Tribunal's existence.

2. Relations with Governments and international organizations

11. During the reporting period, President Agius made presentations regarding the Tribunal's work to the principal organs of the United Nations and the Informal Working Group on International Tribunals. On 9 November 2016, the President addressed the General Assembly to present the Tribunal's twenty-third annual report (A/71/263-S/2016/670). On 8 December 2016, he addressed the Security Council to present the Tribunal's twenty-sixth completion strategy report (S/2016/976). On 7 June 2017, he addressed the Security Council to present the Tribunal's twenty-seventh completion strategy report (S/2017/436).

12. In addition, during his missions to New York and on the margins of his addresses to the General Assembly and Security Council, President Agius met with representatives of Member States, officials of the Office of Legal Affairs and representatives of the Department of Management. The President also met for a final time with the then-Secretary-General, Ban Ki-Moon, in November 2016 and had his first meeting with the current Secretary-General, António Guterres, in May 2017.

13. Various representatives of Governments and judiciaries visited the Tribunal during the reporting period and met with the President, judges and other officials to learn about and discuss the Tribunal's work, achievements and challenges. President Agius received visits from, among others, the ambassadors of Austria, Bosnia and Herzegovina, Canada, Croatia, Denmark, Finland, Israel, Italy, Norway, Serbia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland, as well as the chargé d'affaires of the Russian Federation. In addition, he received both the Director General for Legal Affairs and Legal Adviser of Germany and the Federal Public Prosecutor General of Germany. Further, in March 2017, a delegation of judges from Panama conducted a visit to the Tribunal.

14. In addition to his missions to New York, President Agius travelled to Brussels in October 2016 and May 2017, to meet with members of the European Commission for the purposes of discussing, inter alia, the Tribunal's outreach programme, as well as its legacy and closing events. In February 2017, the President conducted a mission to Zagreb, the first in a series of visits to the region of the former Yugoslavia during the Tribunal's final year. In May 2017, he travelled to Nuremberg, Germany, to participate in a seminar dedicated to discussions of the Tribunal's legacy, organized by the International Nuremberg Principles Academy. The President undertook a further mission to Brussels in May 2017 to attend the second European Union Day Against Impunity, where he spoke about the Tribunal's legacy. In June 2017, President Agius conducted a mission to Bosnia and Herzegovina, his second to the region, which was followed by the Tribunal's final Legacy Dialogues event, a conference held in Sarajevo from 22 to 24 June. He returned to Bosnia and Herzegovina soon afterwards to attend a commemoration ceremony at the Potočari Memorial Centre, on 11 July 2017, which marked the twenty-second anniversary of the genocide in Srebrenica. In his speech at the ceremony, the President directed three specific messages: to the deniers of the genocide, to the victims and their families and to the leaders of Bosnia and Herzegovina.

3. Judicial activity

15. The statute of the Tribunal, the Rules of Procedure and Evidence and the Practice Directions confer upon the President certain judicial functions. In carrying out such duties during the reporting period, and in addition to his responsibilities as presiding judge on the *Prlić et al.* case, President Agius issued orders and decisions in his capacity as President (many of which were issued confidentially), including

numerous orders relating to the assignment of cases to Chambers, and five decisions and orders in respect of motions filed before the President by Ratko Mladić. In addition, Vice-President Liu issued three decisions and orders in his capacity as Acting President in respect of motions filed by Ratko Mladić where a conflict of interest arose with respect to the President.

4. Transition to the International Residual Mechanism for Criminal Tribunals

16. The branch of the International Residual Mechanism for Criminal Tribunals located at The Hague commenced operations on 1 July 2013. During the reporting period, the President of the Tribunal continued to oversee and to take steps to ensure the smooth handover of all relevant and remaining functions to the Mechanism by 31 December 2017, including through regular meetings with the Registrar and the Tribunal's Coordination Council and meetings of the Records and Archives Working Group and the Liquidation Taskforce. In this respect, the President of the Tribunal also continued to coordinate and communicate with the President of the Mechanism.

5. Liquidation

17. In addition to the judicial caseload, the Tribunal's liquidation activities have been, and will remain, a key priority for the President during the last phase of the Tribunal's existence. While the Tribunal has already undertaken various liquidation activities over the past several years, such activities significantly picked up pace during the final reporting period.

18. Under the supervision of the Registrar, the Liquidation Taskforce continued to meet on a regular basis to guide the timely end of the Tribunal's functions and ensure a smooth handover to the Mechanism; a number of staff downsizing exercises took place, in line with existing schedules; over 90 per cent of assets were approved for transfer to the Mechanism, with the remainder slated for donation or disposal in line with the Tribunal's asset disposal project plan; the Tribunal's Procurement Section continued to work towards ensuring that all contractual responsibilities of the Tribunal are either transferred to the Mechanism or established in the name of the Mechanism before the Tribunal's closure; and the disposition of the Tribunal's physical and digital records, including the transfer of relevant records to the Mechanism, continued apace under the guidance of the Tribunal's Records and Archives Working Group.

19. The President and the Tribunal are committed to a smooth, efficient, timely and successful liquidation and have taken on board several lessons learned from the liquidation experience of the International Criminal Tribunal for Rwanda.

6. Legacy and closing events

20. In addition to its core judicial and liquidation efforts, the Tribunal has, under the leadership of the President, continued to focus on how it can best consolidate its legacy before closure and ensure a long-lasting impact, particularly in the region of the former Yugoslavia. During the final reporting period, the Tribunal organized and hosted a number of events as part of its Legacy Dialogues series with the active involvement of the Planning Committee, which includes representatives of the Office of the President, the Registry, the Office of the Prosecutor and the Association of Defence Counsel.

21. As one of the key events in the Legacy Dialogues series, the Tribunal hosted a final conference in Sarajevo, from 22 to 24 June 2017, which provided an opportunity for experts, practitioners and stakeholders from the region and beyond to discuss and learn from the Tribunal's achievements, challenges and experiences. A series of conclusions and recommendations reflecting the discussions and

outcomes of the conference were adopted during the final session and are attached hereto (see annex). Other legacy events during the reporting period included public screenings of the Tribunal's latest documentaries, a public discussion between the first and final registrars of the Tribunal, Theodoor van Boven and John Hocking, and a two-day workshop for teachers from the former Yugoslavia on how to make use of the Tribunal's archives.

22. Shortly before its closure, the Tribunal will host a final academic symposium at The Hague, on 18 December 2017, to be followed by an official closing ceremony on 19 December 2017. In addition, a formal commemoration will be held in New York on 4 December 2017.

B. Bureau

23. Pursuant to rule 23 of the Rules of Procedure and Evidence, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. With only one Trial Chamber remaining, the Bureau now comprises President Agius, Vice-President Liu and Judge Alphons Orie, the presiding judge of Trial Chamber I. During the reporting period, the President regularly consulted the Bureau on general policy matters of the Tribunal, as well as on specific legal, procedural and operational issues.

C. Coordination Council

24. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, progress towards the implementation of the completion strategy, archiving, budgetary concerns, the transition of Tribunal functions to the Mechanism and the evaluation of the Tribunal undertaken by OIOS, as described below.

D. Plenary sessions

25. During the reporting period, the judges of the Tribunal met in plenary on three occasions: at an extraordinary session on 15 November 2016, during which amendments to the Tribunal's Rules of Detention were adopted, and at two regular plenary sessions on 1 February and 17 July 2017.

E. Rules Committee

26. The judicial membership of the Rules Committee comprised Vice-President Liu (Chair), President Agius and Judges Alphons Orie and Christoph Flügge. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. There were no meetings of the Rules Committee during the reporting period.

F. Evaluation by the Office of Internal Oversight Services

27. By its resolution 2256 (2015), the Security Council requested OIOS to carry out an evaluation with respect to the methods and work of the Tribunal and to present its report by 1 June 2016. Pursuant to that resolution and to the OIOS evaluation, the Tribunal reported in full on the implementation of OIOS

recommendations in its semi-annual report submitted to the Security Council on 17 November 2016, including its adoption, on 6 July 2016, of a code of professional conduct for the judges of the Tribunal (see S/2016/976, enclosure VII).

28. By its resolution 2329 (2016), the Security Council, inter alia, encouraged the Tribunal to continue to report on its implementation of OIOS recommendations. Owing to limited time and resources in the lead-up to its closure and the urgent need to focus on the completion of the remaining judicial work, the Tribunal, in its subsequent semi-annual report to the Security Council, dated 17 May 2017 (S/2017/436), reaffirmed its prior response to the recommendations, as set out in the previous report (S/2016/976).

G. Gender balance

29. The Tribunal is pleased to report that overall, as of March 2017, women make up 59 per cent of Tribunal staff in the Professional category across all departments and 53 per cent of General Service staff. The Tribunal is particularly proud that it has achieved equal representation of women among its staff, including at the higher-level positions. It has also benefited over many years from the establishment of a focal point for women. While it is unfortunate that there are no women judges or principals at the end of the Tribunal's mandate, the Tribunal wishes to acknowledge the remarkable contribution made in previous years by women judges, prosecutors and registrars and notes that, at one point, all three principals were women.

III. Activities of the Chambers

A. Composition of the Chambers

30. Seven permanent judges from seven countries currently serve at the Tribunal: Carmel Agius (President, Malta), Liu Daqun (Vice-President, China), Alphons Orie (Netherlands), Fausto Pocar (Italy), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa) and Christoph Flügge (Germany). In addition, during the reporting period, Judge Burton Hall (Bahamas) served as an ad hoc Appeals Chamber judge.

31. During the reporting period there remained only one Trial Chamber, composed of Judges Orie (presiding), Flügge and Moloto, with responsibility for the *Mladić* case and *Jojić et al.* case.

32. The Appeals Chamber in the *Prlić et al.* case was composed of Judges Agius (presiding), Liu, Pocar, Meron and Moloto. Since Judge Moloto is also part of the Trial Chamber in the *Mladić* case, he could not be assigned to interlocutory appeals from the same case. As a result, there was an insufficient number of judges to enable the Appeals Chamber to deal with any interlocutory appeals from the *Mladić* case.

33. The Tribunal requested the assistance of the Security Council in finding a solution and, on 6 September 2016, through its resolution 2306 (2016) the Council unanimously agreed to amend the statute of the Tribunal by adding a new article 13 quinquies, which allows for the appointment of an ad hoc judge in the event that no permanent judge is available for assignment to the Appeals Chamber. Subsequently, Judge Hall (Bahamas) was appointed as an ad hoc judge and assigned to three interlocutory appeals from the *Mladić* case.

34. The Tribunal once more wishes to express its sincere gratitude to the members of the Security Council for their cooperation and assistance in this matter.

B. Principal activities of the Chambers

1. Trial Chamber I

Mladić

35. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The trial commenced on 16 May 2012 and the evidentiary phase was concluded in August 2016, with closing arguments presented by the parties on 15 December 2016. The Trial Chamber is presently fully engaged in deliberations and in the drafting of the judgment, with the estimate for delivery of judgment remaining November 2017. The judges and legal support team have taken a variety of measures to minimize delays in the preparation of the trial judgment, including involving additional staff resources in the drafting process. Although such resources have been assigned, highly qualified staff members have left during the reporting period and are expected to continue to leave the Tribunal for more secure employment elsewhere. It will therefore be an increasing challenge to maintain the continuity of core staff, which is of utmost importance in a case of such size and complexity.

Jojić et al.

36. Petar Jojić, Jovo Ostojić and Vjerica Radeta were charged with four counts of contempt of court in relation to alleged witness intimidation in the trial case of *Prosecutor v. Vojislav Šešelj*. The proceedings of the *Jojić et al.* case were confidential until 1 December 2015, and arrest warrants have been pending execution in Serbia for more than two and a half years, since 19 January 2015. On 5 October 2016, international arrest warrants for the accused were issued confidentially by the Trial Chamber and were later released either publicly or in a public, redacted form on 29 November 2016. On 24 March 2017, the International Criminal Police Organization (INTERPOL) informed the Registry that it had issued red notices for the arrest of the accused, effective 16 March 2017. As reported and urged by President Agius on numerous occasions, it is imperative that the Security Council urgently find a solution for this case so that impunity is avoided. The amicus curiae prosecutor in the *Jojić et al.* case recently informed the Trial Chamber of the death of one of the accused, Jovo Ostojić. Once his death has been officially confirmed, it is expected that the case against Mr. Ostojić will be terminated by the Trial Chamber.

2. Appeals Chamber

Interlocutory appeals

37. The Appeals Chamber issued several decisions and orders in respect of three interlocutory appeals filed by Ratko Mladić during the reporting period. Some of those were issued confidentially and therefore cannot be discussed herein. On 27 February 2017, the Appeals Chamber issued a public decision dismissing an interlocutory appeal by Mr. Mladić against a decision of the Trial Chamber, which had rejected Mr. Mladić's allegations that his rights to a fair trial and the presumption of innocence had been compromised. The Appeals Chamber found that Mr. Mladić had failed in multiple respects to demonstrate that the Trial Chamber had erred in its decision. On 30 June 2017, the Appeals Chamber issued a public, redacted version of a decision on Mr. Mladić's interlocutory appeal against the Trial Chamber's decision on an urgent defence motion for provisional release. The Appeals Chamber found that Mr. Mladić had failed to demonstrate a discernible

error of the Trial Chamber in its denial of provisional release. In connection with that decision, the Appeals Chamber issued an order on 24 May 2017 for an expedited response and reply to the motion.

Appeals from judgment

38. In the *Prlić et al.* case, briefing was completed on 29 May 2015 and the appeal hearing was held from 20 to 28 March 2017. The anticipated time frame for delivery of the appeal judgment remains November 2017. As previously reported, this is the most voluminous appellate case in the history of the Tribunal and international criminal law, with seven appellants (including the Office of the Prosecutor), a combined total of over 500 grounds and sub-grounds of appeal and 12,196 pages of appellate submissions dealing with a trial judgment of more than 2,000 pages. Although additional staff resources have been assigned in order to ensure that the November 2017 deadline can be met, several highly qualified staff members left the Tribunal during the reporting period for more secure employment elsewhere, and further staff departures are imminent. As with the *Mladić* case, it will be increasingly difficult to retain core staff members familiar with the voluminous case records and appeal briefs and the working methods of the Tribunal.

Other appeals

39. A total of 16 pre-appeal and appeal decisions and orders, all arising from the *Prlić et al.* case, were issued during the reporting period.[1]

IV. Activities of the Office of the Prosecutor

A. Completion of trials and appeals

40. During the reporting period, the Office of the Prosecutor remained focused on expeditiously completing its final trial and appeal proceedings, while simultaneously managing its downsizing process. The Office continued to reallocate staff and resources flexibly to ensure that all court-ordered deadlines are met. The Office also continued to assist officials and personnel of the Mechanism in transferring functions in accordance with the transitional arrangements.

41. In the current reporting period, the Office of the Prosecutor made its closing arguments in the Tribunal's final trial (*Mladić*) and oral arguments in the Tribunal's final appeal (*Prlić et al.*). Both cases remain on track to be completed by the end of November 2017.

B. Management

42. The Office of the Prosecutor continued its downsizing process to reduce the number of posts on the basis of the completion of relevant phases of the trial and appeal proceedings. At the end of 2016, the Office had a total of 78 staff members, following the abolition of 23 Professional and 12 General Service posts in 2016. Upon completion of major activities in the *Mladić* case and the *Prlić et al.* case, the Office abolished 13 Professional and 3 General Service posts on 28 February 2017, and it abolished 15 Professional and 2 General Service posts on 30 April 2017. In accordance with the approved budget, the Office abolished an additional 3 General Service posts on 30 June 2017, for a total of 28 Professional and 8 General Service posts abolished in the first half of 2017.

[1] This figure includes orders and decisions filed as of 31 July 2017.

43. The Office is actively supporting measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. The Office continues to support training of its staff members and to assist staff in taking advantage of the services offered by the Career Transition Office. In that regard, the Office of the Prosecutor is facilitating networking and other opportunities to assist its staff members and to ensure recognition of their considerable transferable skills, which are highly relevant to other core components of the Organization's work.

44. Resource-sharing between the Office of the Prosecutor of the Tribunal and that of the Mechanism continued during the reporting period, with the implementation of the "one office" approach to integrate the staff and resources of the two offices. Under that policy, all prosecution staff members are available to double-hat, so that they can be flexibly assigned to either Tribunal- or Mechanism-related work, depending on operational requirements and their case-related knowledge.

C. Cooperation

45. In order to fulfil its mandate, the Office of the Prosecutor relies on the full cooperation of States, as required under article 29 of the statute of the Tribunal.

46. The Office of the Prosecutor continued to have appropriate access to documents, archives and witnesses in Bosnia and Herzegovina, Croatia and Serbia during the reporting period.

47. However, the Office deplores the fact that Serbia has returned to a practice of non-cooperation with the Tribunal in relation to the arrest and transfer of indictees. The country's failure over the past two and a half years to execute the Tribunal's arrest warrants for three Serbian indictees is in violation of its international legal obligations and its own repeated commitments to fully cooperate with the Tribunal. That Serbia may have cooperated in the past, or may be cooperating in other areas today, only serves to underscore that it can cooperate when it has the will to do so. The absence of political will to cooperate with the Tribunal further calls into question the country's commitment to justice for war crimes and its adherence to the rule of law. When previously faced with Serbia's long-standing failure to arrest and transfer indictees to the Tribunal, the policy of conditionality proved the most effective tool. It will also be crucial for Member States to maintain the principled position of insisting on the country's full cooperation with the Tribunal in their bilateral dealings.

48. Cooperation and support from States outside the former Yugoslavia and from international organizations remains integral to the successful completion of Tribunal cases. Continued assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office of the Prosecutor once again acknowledges the support it received during the reporting period from States Members of the United Nations and from international organizations, including the United Nations and its entities, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the Council of Europe.

D. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

49. The Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. The

effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental to building and sustaining the rule of law, as well as for truth-seeking and reconciliation. With the completion of the Tribunal's mandate approaching, accountability for those crimes now depends on national prosecution offices and judiciaries.

50. During the reporting period, the Office continued to assist national judicial authorities in the former Yugoslavia to more successfully handle their war crimes cases. The joint European Union/International Tribunal for the Former Yugoslavia Training Project for National Prosecutors and Young Professionals from the former Yugoslavia has been a central component of the Office's efforts. The Office of the Prosecutor is pleased to report that, following a unanimous request from national prosecution services in the region, the European Union has now agreed to extend both components of the Training Project for another two-year period. The Training Project will also be transitioned from the Tribunal to the Office of the Prosecutor of the Mechanism. The Office of the Prosecutor of the Tribunal is grateful to the European Union for its consistent support for this important project and for recognizing the ongoing need to build national justice sector capacity by educating and training young lawyers from the region in Tribunal offices.

51. As the Tribunal nears the completion of its mandate, the ongoing, widespread denial of crimes and non-acceptance of facts established in its judgments should be regarded as a matter of acute concern with real consequences for reconciliation and stability in the western Balkans today. The denial of crimes and revisionism are both widespread throughout the region. Convicted war criminals are often glorified as heroes. The facts of the crimes are taught in classrooms around the world, but not in the countries where the crimes were committed. Today, such denial and such revisionism are feeding regional instability and undermining neighbourly relations. National and communal identities founded on false histories are inherently sources of regional tension and distrust. With the upcoming closure of the Tribunal, it is now more important than ever to address this challenge. To secure a peaceful future, there must be shared agreement on the recent past.

52. Judicial cooperation between the countries of the former Yugoslavia is essential to ensuring that those responsible for war crimes are held accountable. Many suspects may not be present in the territory where they are alleged to have committed the crimes and cannot be extradited to the territorial State for prosecution. The Offices of the Prosecutor of both the Tribunal and the Mechanism have repeatedly called attention to the negative trends in regional judicial cooperation in war crimes justice. Unfortunately, during the reporting period, there was little evidence of change in a more positive direction. In addition to the issues previously noted, the Office has received alarming reports indicating that judicial cooperation between Serbia and Kosovo[2] as regards war crimes has completely broken down. Countries in the region continue to issue and maintain unknown numbers of non-public international arrest warrants, and contentious extradition litigation in third-party States represents a failure of regional judicial cooperation. The urgent need to address those challenges has been demonstrated again during the reporting period. The status quo is increasingly unsustainable and causing real damage to diplomatic relations.

53. Overall, progress in national prosecutions of war crimes, crimes against humanity and genocide committed in the former Yugoslavia is mixed, with some positive trends and some situations of significant concern. The Office of the Prosecutor is pleased to note that, in Bosnia and Herzegovina, positive trends in

[2] All references to Kosovo in the present document shall be understood to be in full compliance with Security Council resolution 1244 (1999).

national prosecutions continued during the reporting period. The Prosecutor's Office of Bosnia and Herzegovina continued to investigate and prosecute complex cases, as appropriate, in accordance with the country's national war crimes strategy, including cases involving senior- and mid-level suspects and cases concerning conflict-related sexual violence. Those results demonstrate again that national prosecutions, appropriately supported by international partners, can meaningfully advance accountability, including in the most complex cases. Regarding Croatia, there was some progress during the reporting period, in that its Government committed to addressing some outstanding issues in regional judicial cooperation. Separately, however, authorities in Bosnia and Herzegovina and in Serbia have identified a larger number of regional judicial cooperation issues with Croatia that must now be dealt with. Regarding Serbia, regretfully, the immediate outlook for meaningful progress in war crimes justice is negative. Positive results in war crimes investigations and prosecutions remain very limited, with no significant change in the adverse trends that have crystallized over the past few years. In Serbia, impunity for many well-established crimes remains the norm. Commitments to improve this situation remain largely unfulfilled. Decisive steps, at all levels, are needed in order to begin moving in a more positive direction.

54. The Tribunal will complete its mandate before the end of the current year, which will close an important chapter that began 24 years ago. Yet the work towards justice for the victims of war crimes in the former Yugoslavia will continue. The Mechanism will litigate the small number of trials and appeals remaining. Crucially, prosecutions of war crimes, crimes against humanity and genocide must continue in national courts in the region of the former Yugoslavia. The support of the United Nations and the international community to ensure accountability for the horrific atrocities committed remains as essential as ever before.

V. Activities of the Registry

55. During the reporting period, the Registry continued to provide legal, administrative, technical and logistical support to the judicial proceedings of the Tribunal, while simultaneously focusing on preparations for further downsizing and closure of the Tribunal and the transfer of its records to the Mechanism.

56. Registry staff continued to demonstrate flexibility and readiness to accept broader responsibilities in order to offset downsizing and staff departures, while ensuring that services to the Tribunal's final two cases continued undisturbed. Further, the Registry offered the entire spectrum of administrative services necessary for the smooth functioning of the Tribunal, provided assistance to national jurisdictions and managed the Tribunal's outreach programme.

57. The Registry continued providing services and overall administrative support to the Mechanism, assisted in the gradual process of establishing the Mechanism's own self-standing administration and contributed to the strengthening of the working relationship between the two branches of the Mechanism.

A. Office of the Registrar

58. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry divisions and sections and representing the Tribunal in its relations with the host State and other Member States, international organizations and external stakeholders. It provided legal and policy advice, including on the Tribunal's liquidation activities.

The Office also assisted in representing the Tribunal in its relations with the various organs of the United Nations.

59. Until 31 December 2016, the Office continued to support the Registrar, working hand-in-hand with Mechanism staff on managing the operations of the Mechanism Registry, both in Arusha and at The Hague, with a special focus on supporting judicial proceedings before the Mechanism, finalizing its policies and operating procedures and assisting in recruitment exercises.

B. Division of Judicial Support Services

60. The Division of Judicial Support Services consists of the Court Support Services Section, the Judicial Records Unit, the United Nations Detention Unit and the Conference and Language Services Section. The Court Support Services Section has four units: the Witness Support and Operations Unit and the Witness Protection Unit (collectively referred to as the Victims and Witnesses Section), the Courtroom Operations Unit and the Office for Legal Aid and Defence.

61. During the reporting period, the Registry supported one case in trial and one on appeal, involving a total of seven accused persons, and filed approximately 108 legal submissions relevant to the Tribunal's ongoing or concluded cases. The Registry also supported one contempt case at the pre-trial stage involving, three accused persons.

1. Court Support Services Section and Judicial Records Unit

62. During the reporting period, the Victims and Witnesses Section provided assistance prior to, during and after testimony to the last witness in the *Mladić* case, who testified partly at The Hague and partly by videoconference link. The Section also took active steps to address the security-related concerns of witnesses, including in cases that have resulted in relocation. Finally, it continued to work closely with the Mechanism to finalize policies and procedures across the two branches of the Mechanism.

63. The Courtroom Operations Unit supported one trial and one appeal over the reporting period. It also assisted one self-represented accused person through its *Pro Se* Office.

64. As of 31 July 2017, the Judicial Records Unit had processed 548 filings (22,379 pages) and 60 transcripts in English and French (5,141 pages). The Unit also facilitated the sharing and transfer of judicial records between the Tribunal and the Mechanism.

65. The Office for Legal Aid and Defence continued to administer the Tribunal's legal aid system, overseeing more than 50 defence team members. All seven of the individuals in trial and appeal proceedings during the reporting period were found partially unable to remunerate counsel and were thus granted legal aid. All cases except one were ranked at the highest complexity level. The Office also administered the appointment and remuneration of amici curiae and provided assistance on legal, policy and operational matters relating to the management of the Mechanism's legal aid system.

2. United Nations Detention Unit

66. The United Nations Detention Unit continued to support both the Tribunal and the Mechanism and was responsible for detaining six individuals under the Tribunal's authority in conditions exceeding the relevant international standards. It facilitated the presence of the detainees at court hearings, implemented one

provisional release decision and facilitated medical examinations by court-appointed medical experts. Detainees were provided with in-house medical care and specialist medical assistance. In addition, the Unit continued to work with the International Committee of the Red Cross to meet the specific needs of an ageing detainee population.

3. Conference and Language Services Section

67. The Conference and Language Services Section provided interpretation, translation and court reporting services for the Tribunal, resulting in approximately 10,200 pages of translation and 173 conference interpreter days over the year. Notably, the Section provided support for the final phase of the last Tribunal trial, the *Mladić* case, and continued to provide support to the Mechanism under the double-hatting arrangement. Careful scrutiny of translation requests to avoid duplication resulted in savings of approximately $56,000 over the reporting period.

C. Transfer of records

68. The Records and Archives Working Group established by the Registrar during the previous reporting period continued to monitor progress in the destruction of Tribunal records or their transfer to the Mechanism. The Mechanism Archives and Records Section continued to support the Tribunal offices in that regard. As at the time of reporting, the Tribunal had destroyed or transferred 71.8 per cent of the estimated total volume of its physical records and approximately 88 per cent of its digital records.

D. Communications Service

69. During the reporting period, the Communications Service continued to provide communications, press and social media support in respect of the Tribunal's judicial and other activities and to manage the Tribunal's outreach programme.

70. The Service coordinated educational visits to the Tribunal and the Mechanism for more than 300 groups, welcoming over 6,500 visitors. The Tribunal's website recorded more than 2.4 million page views. The website is being restructured and redesigned, and its content revised, to facilitate its evolution into the Tribunal's legacy website.

71. The Service continued to work with local authorities and international partners to establish information centres in the former Yugoslavia in accordance with Security Council resolution 1966 (2010). The agreement with the authorities of Sarajevo was finalized, while the agreement with the Srebrenica-Potočari Memorial Centre is pending approval by authorities in Bosnia and Herzegovina. The Tribunal is cooperating with the authorities in Croatia to establish an information centre within the national library in Zagreb and hopes that Serbia will be amenable to establishing a centre in Belgrade.

72. In the Tribunal's final year, the outreach programme extended its efforts to inform people in the former Yugoslavia about the Tribunal. The Tribunal's field offices in Serbia and in Bosnia and Herzegovina organized more than 20 events, reaching over 1,200 individuals. The seventh in the series of the outreach programme's documentaries about the work of the Tribunal, entitled "Never justified: ICTY and the crime of torture", was completed and screened in Bosnia and Herzegovina. A short video feature, entitled "End to impunity", was produced, summarizing the 24 years of work and achievements of the Tribunal. Ten television

stations in the former Yugoslavia and United Nations Television have agreed to broadcast the latest documentary produced by the outreach programme. In addition, the programme launched and distributed the publication, entitled "15 Years of Outreach at the ICTY".

73. The European Union generously provided the funds necessary to support the continuation of the Tribunal's outreach programme until the Tribunal's closure. Together with Austria, Finland, Germany, Italy, Malta, the Netherlands and Switzerland, the European Union has also provided generous support for the ongoing Legacy Dialogues series of events.

E. Administration Division

74. By its resolution 71/268, the General Assembly approved the Tribunal's proposed programme budget and appropriated a revised amount of $98,064,000 gross ($86,917,900 net) for the biennium 2016-2017. The amount represents a 52 per cent decrease as compared to the revised appropriation for the biennium 2014-2015.

75. During the biennium 2016-2017, extrabudgetary resources are estimated at $1,000,000, to be used for a variety of Tribunal activities. During the reporting period, the Tribunal administered several extrabudgetary initiatives, including outreach activities in the former Yugoslavia and training programmes for young prosecutors.

76. Under the direction of the Registrar, the Administration Division remains on track with the implementation of the Tribunal's administrative liquidation plan and has taken on board lessons learned from the liquidation exercise of the International Criminal Tribunal for Rwanda, with a view towards optimizing the current process. Most liquidation activities will be completed by the end of the year. A small number of residual tasks will be addressed by the Mechanism. All assets that will be required by the Mechanism have already been identified and transferred; any remaining assets will continue to be disposed of, monitored by the Assets Disposal Working Group of the Liquidation Taskforce. All staff-related financial liabilities are being identified and will be reported in the second performance report, to be issued in the second half of 2017.

77. As part of the Tribunal's completion strategy, the Administration Division remained actively engaged in overseeing and managing the Tribunal's downsizing in accordance with the Tribunal's well-established downsizing and comparative review process, which had been negotiated and agreed to by staff and management. The Tribunal is on track to eliminate all Tribunal posts by 31 December 2017. The Office of Internal Oversight Services has noted that the comparative review and downsizing process implemented at the Tribunal represented "best practice in leadership of a change process".

78. The Tribunal's Career Transition Office continued to support staff in all aspects of career transition by offering training courses, organizing workshops and providing advice to individual staff.

79. Finally, the Division provided overall administrative support and services to the Mechanism in the areas of human resources, general services, procurement, finance, information technology and security during the reporting period. In anticipation of the Tribunal's closure at the end of 2017, it continued to support the Mechanism in the transition to a lean, self-standing administration.

VI. Conclusion

80. The Tribunal is only five months away from closure. While it made significant progress towards the completion of its mandate during its final reporting period and is still on track to close on 31 December 2017, considerable efforts remain to be made before all work is successfully concluded. Indeed, the Tribunal's final chapter will undoubtedly be one of the busiest and most challenging periods in its history. The main focuses will be threefold: (a) the Tribunal's core judicial work, being the pending trial and appeal proceedings, must be completed by 30 November 2017, when the mandate of the judges will end; (b) at the same time, the Tribunal will continue to further ramp up its liquidation efforts, including through the implementation of its final downsizing exercises, the disposal or transfer of all its remaining records and assets and the transfer of its remaining functions to the Mechanism; and (c) the Tribunal will continue to take advantage of precious final opportunities to consolidate its legacy through the remaining events in the Legacy Dialogues calendar.

81. The imminent closure of the Tribunal heralds a significant moment in time, not only for the Tribunal itself, but also for the Security Council, which created the Tribunal, and the General Assembly, which has provided funding for almost a quarter of a century and elected the Tribunal's esteemed judges. The Tribunal wishes to sincerely thank the members of both the Security Council and the General Assembly, together with the United Nations more broadly, for their support throughout the final reporting period and, indeed, during all previous reporting periods. It is also most grateful to the Office of Legal Affairs for the sterling quality of the assistance it has provided to the Tribunal over the past 24 years. In addition, it acknowledges the valuable support rendered by Uruguay, as Chair of the Informal Working Group on International Tribunals, during the two years leading up to the Tribunal's closure. The Tribunal takes the opportunity to ask all Member States, one final time, for their continued support during its closing months, in order to ensure that it can successfully conclude its mandate.

82. Finally, the Tribunal wishes to express its heartfelt thanks to the more than 7,000 staff members, 87 judges, 5 prosecutors and 4 registrars who have served the Tribunal over the past 24 years. It is their exceptional work and dedication that made the Tribunal's myriad achievements possible and ensured that the Tribunal will be able to successfully complete its mandate, beyond all expectations.

Annex

Outcome document of the Legacy Dialogues Conference of the International Tribunal for the Former Yugoslavia

Conclusions and recommendations*

The Conference of the *ICTY Legacy Dialogues* held from 22 to 24 June 2017 in Sarajevo, Bosnia and Herzegovina;

Recalling the special mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY or Tribunal) to bring to justice those most responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991 and thus contribute to the restoration and maintenance of peace in the region;

Given the pioneering role of the ICTY in international law, and the desire to reflect on its 24-plus years of experience with a view to helping others to build on its achievements;

Recognising that, as the first international criminal tribunal created by the United Nations, the ICTY has an important role in sharing its lessons learned with the international community, the region of the former Yugoslavia, as well as with current and future international courts and tribunals;

Recognising that the ICTY has served as a cornerstone in the fight against impunity for crimes committed in the former Yugoslavia and beyond, transforming the landscape of international humanitarian law and contributing to the development of international criminal law;

Having considered the conclusions and recommendations of the various expert panels on ICTY legacies discussed at the final ICTY Legacy Conference, and suggestions made by members of the audience;

In gratitude to all the participants, experts, and donors of the Legacy Conference;

Presents the following conclusions and recommendations in order to assist national and regional courts, as well as present and future international courts and tribunals in the pursuit of justice, and to assist the legacy projects of the ICTY:

Conclusions: normative legacy

1. The ICTY's normative legacy will continue beyond its closure to inform the work of national, regional, and international jurisdictions.

2. The ICTY has made a rich contribution to the development of international humanitarian law, in particular with respect to non-international armed conflict.

3. The ICTY has filled legal gaps regarding definitions of international crimes and has significantly influenced the drafting of the Rome Statute of the International Criminal Court.

4. The ICTY's jurisprudence has served as an important resource for national, regional, and international jurisdictions, as well as for other accountability mechanisms.

* The text of the annex has been reproduced as received, without formal editing.

5. The ICTY has contributed to the establishment of specialised war crimes Chambers in the region, along with inspiring the development of their jurisprudence and procedures.

6. The ICTY's jurisprudence has been used in creative ways by national courts, including beyond the criminal field.

Recommendations: normative legacy

1. Other courts, national, regional, and international, should consider the judgements and decisions of the ICTY as an important source of inspiration and valuable repository of international law.

2. ICTY judgements should, where possible, be integrated into the jurisprudence of national jurisdictions in the former Yugoslavia.

3. The lessons of the ICTY are relevant in terms of realistic expectations of what an international court or tribunal can achieve, and therefore expectations should be managed from the outset to avoid disappointing victims and affected communities, and the wider international community.

4. The ICTY manual on developed "best practices" should be updated for use by other national, regional, and international courts and tribunals.

5. Consideration should be given to making use of ICTY jurisprudence beyond the field of international criminal law.

Conclusions: gender justice

1. The ICTY has shown that it is possible and necessary to undertake the prosecution of sexual and gender-based violence.

2. The ICTY's experience shows there are numerous misconceptions in the way criminal justice actors perceive sexual violence crimes.

3. Gender bias often results in a disproportionately low number of female witnesses.

Recommendations: gender justice

1. Gender perspectives should be integrated into substantive, procedural, and institutional aspects of international criminal law.

2. The understanding of gender should be expanded beyond the issue of sexual violence at the national, regional and international levels, including by looking at other crimes through a gender lens.

3. National, regional, and international institutions dealing with war crimes should consider appointing a focal point for women to assist on gender issues arising in the work place.

4. National, regional, and international courts and tribunals should ensure equal representation of males and females at all levels, including among judges and in senior management positions.

5. War crimes courts should develop a comprehensive institutional framework to provide greater accountability for gender-based crimes that links prosecutions to affected countries.

6. Guidance documents need to be adopted by judicial institutions in order to ensure a standardised approach by judicial actors towards victims within different institutions and professions.

7. Future courts and tribunals should grant women equal access to justice in national jurisdictions, including access to compensation.

8. A comprehensive training program for all relevant actors in war crimes proceedings should be implemented in relation to conflict-related sexual violence crimes and address the stereotypes and misconceptions that can thwart accountability efforts.

Conclusions: non-judicial legacy

1. There is no universally accepted definition of 'reconciliation'.

2. Empirical research suggests that tribunals are often trusted locally if they confirm narratives that are shared by the affected group.

3. Memorialisation of sites of mass atrocities can be seen as a way of bringing the ICTY closer to local communities and acknowledging the suffering of the victims.

4. Under very specific circumstances, it is possible for international courts and tribunals to deter violence against civilians.

5. The creation and work of the ICTY inspired the international concept of transitional justice.

Recommendations: non-judicial legacy

1. Future international courts and tribunals should support efforts dedicated to strengthen local civil society initiatives on accountability and reconciliation.

2. Future international courts and tribunals should commit early on to outreach and media initiatives, which promote memorialisation in the effort to combat denial.

3. Encourage civil society's continued commitment to remind communities that an historical record exists in order to never forget and to acknowledge the pain and suffering of victims.

4. Societies should not solely rely on factual truths, but also explore common understandings or values (meta normative truths) as a way to break down barriers to reconciliation.

Conclusions: operational legacy

1. It is essential to make information and evidence collected for international war crimes proceedings available in corresponding national proceedings.

2. The work of a commission of inquiry preceding the establishment of an international court or tribunal can provide an important starting point for shaping an investigation and prosecution strategy.

3. War crimes prosecution offices will invariably have to prioritise which crimes to prosecute, taking into account factors such as the gravity of the crimes, the main features of criminality during conflict, crimes committed against males and females, and which perpetrators bear the greatest responsibility.

4. War crimes prosecution offices will need to think creatively about strategies to overcome operational difficulties and be prepared to propose novel procedures to facilitate their work.

5. A prosecution office will need to understand the political environment in which it works, while ensuring that its work is not affected by political considerations.

6. Peer-to-peer models for national capacity building are preferable to traditional training methods. In particular, models that allow for sustained and practical follow-up and problem solving on specific issues are the most effective.

7. Having technology in place to ensure a well-structured and easily searchable database for a war crimes evidence collection is essential from the moment of the establishment of prosecution offices.

Recommendations: operational legacy

1. Significant attention should be paid to ensuring accurate and comprehensive metadata for evidentiary items to facilitate the searching and tracking process.

2. Prosecution offices should establish a special team to facilitate the work of fugitive tracking, including through the development of sources, collation of intelligence information, and by creating task-forces of relevant agencies.

3. The prosecution should continuously re-analyse its evidence, particularly as new material is collected that may shed new light on crime base, linkage and objectives in leadership cases.

4. The international community should consider strategies for facilitating the collection and preservation of DNA evidence from conflict crime scenes, even when no jurisdiction is yet available to prosecute the commission of these crimes.

5. Capacity-building initiatives should be preceded by a comprehensive needs assessment.

6. National, regional, and international courts and tribunals should consider developing strategies to facilitate capacity building for war crimes accountability from the moment of their establishment.

7. Strategies should be put in place to ensure access by other relevant criminal justice actors, to information or evidence through electronic databases, while protecting the confidentiality and security of such data. Training for those criminal justice actors to effectively search databases should also be available.

Conclusions: defence and fair trials legacy

1. Access to defence is a key indicator of fair trial rights as basic human rights.

2. The convergence of common law and civil law systems has posed challenges for disclosure practices.

3. Each accused person should be entitled to qualified defence counsel with expertise in international humanitarian law and international criminal law.

4. Training initiatives for defence counsel are fundamental to achieving fair trial standards

5. The ICTY's jurisprudence is a valuable tool for the development of national legislation in the area of international criminal law.

6. The ICTY's experience has assisted national jurisdictions in enhancing the ability of States to exercise universal jurisdiction.

Recommendations: defence and fair trials legacy

1. All international courts and tribunals should consider establishing associations of defence counsel to represent the interests of defence counsel and the rights of the accused and to ensure that professional standards are harmonised.

2. Consideration should be given to how the ICTY's disclosure systems could best serve other international courts and tribunals, as well as national jurisdictions.

3. Regular training on the jurisprudence and practice of international courts and tribunals should be available to lawyers working on war crimes cases in national jurisdictions.

4. The ICTY's developed practices could assist national jurisdictions where war crimes cases are conducted on the basis of universal jurisdiction, including through cooperation.

5. Information regarding the ICTY's jurisprudence and practices should be disseminated to national defence associations and offices where war crimes cases are conducted, to ensure equal access to such information. The ICTY should also provide national defence associations and offices with access to its databases.

Conclusions: the participatory legacy

1. Witness support is an important and integral part of court structures.

2. Witness needs are diverse and complex, and can last long after testimony has been given.

3. Seeking input from witnesses on their needs is critical to providing appropriate support.

4. Other actors, whether formal or informal, such as community support groups and NGOs, can form effective witness support networks.

Recommendations: the participatory legacy

1. Present and future international courts and tribunals should consider following the ICTY's witness-centred approach.

2. State authorities need to take responsibility for witness support, including by providing resources.

3. Prosecution offices should take proactive steps to locate and encourage female witnesses to testify in war crimes proceedings.

4. National, regional, and international courts and tribunals should consider a proactive approach towards witnesses, informing them of the types of support available.

5. National, regional, and international courts and tribunals should ensure continuing support to witnesses beyond their testimony.

Conclusions: historical legacy

1. Preservation of documents is a key foundation of international criminal courts. A living archive is critical for the success of legacy strategies.

2. Leaving an historical record is not necessarily a primary purpose of international criminal courts and tribunals, although a record may be established as a result of court proceedings.

3. The historical value of court records extends beyond judgements. These records must be read in context and a fuller picture may emerge through complementarity of courts and other justice mechanisms.

4. The value of evidence for purposes of historical clarification differs among types of evidence. In order to obtain a comprehensive account, it is necessary to compare findings and testimony across cases.

Recommendations: historical legacy

1. The ICTY should ensure that a permanent record of the crimes committed during the Yugoslav wars is available to the public in the region, in all local languages.

2. The ICTY's record of crimes should include, *inter alia*, judgements, decisions, transcripts of witness testimony, video recordings of court hearings, and exhibits.

3. The ICTY should have in place a long-term strategy to grant public access to archive material.

Conclusions: outreach legacy

1. The ICTY Outreach Programme has played a key role in building the capacity of national institutions dealing with war crimes in the former Yugoslavia.

2. The ICTY Outreach Programme has ensured access to information about the work of the Tribunal through its wide range of activities and its website.

3. The ICTY Outreach Programme's repository of legacy material about the work of the Tribunal will continue to be used in future public discourse on legacy.

4. Outreach programmes are a vital part of any judicial institution dealing with war crimes regardless of challenges in implementing their mandate.

5. The work of civil society, such as non-governmental organisations, victims' groups, and academia is fundamental to ensure that the legacy of the ICTY continues beyond the Tribunal's closure and has an impact on transitional justice processes.

6. Exchange and communication with key target groups, such as victims, politicians, journalists, civil society organisations, and academia is essential for outreach programmes to have an impact.

Recommendations: outreach legacy

1. Strong field presence of outreach programmes in the affected regions is crucial to enable them to communicate the work of judicial institutions to key audiences.

2. Outreach programmes should be built as two-way communication tools which listen and react to the needs of the affected communities.

3. Outreach programmes should be at the outset a core and appropriately funded function of national, regional, and international courts and tribunals dealing with war crimes.

4. Information about the work and legacy of the ICTY should continue to be accessible in the official and all local languages of the former Yugoslavia through the establishment of the information centres.

5. One of the key target groups of the ICTY's legacy should be youth.

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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Third Industrial Development Decade for Africa (2016-2025)

Note by the Secretary-General

The Secretary-General hereby transmits the report of the Director General of the United Nations Industrial Development Organization in accordance with General Assembly resolution 70/293.

* A/72/150.

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Summary

In the present report, prepared in accordance with General Assembly resolution 70/293, the Director-General of the United Nations Industrial Development Organization (UNIDO) outlines the progress made in the implementation of the Third Industrial Development Decade for Africa (2016-2025). The report highlights the efforts made in the inception period, including the development of a programme framework, the design of consultative and decision-making mechanisms to include stakeholders and the establishment of reporting structures. The report also provides examples of activities that have been implemented to date by UNIDO, participating United Nations entities and other stakeholders.

I. Background

1. Inclusive and sustainable industrialization is critical to eradicate absolute poverty and create shared prosperity. The urgency of achieving industrial development in Africa is underlined by the environmental, social and economic challenges and opportunities faced by the continent, including the impact of climate change on rural communities, the risks relating to natural resource-based economies, the implications of growing urbanization, the current and projected growth of the young population, the entrepreneurial potential of African youth and women, migratory pressures and the renewed interest of foreign and domestic and public and private investors in the continent. It is clear that Africa must industrialize and that it must do so in a way that is socially inclusive and environmentally sustainable.

2. The promotion of industrialization has been high on the agenda of Governments in Africa for decades. Regional institutions have also prioritized industrialization in their development planning strategies, as reflected, for example, in Agenda 2063 of the African Union. In today's interconnected world, such issues concern not only Africa, but are global imperatives. The international community has recognized the aspirations of African countries and has expressed the need for industrial development in the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and several initiatives at the bilateral and multilateral levels, including the Initiative on Supporting Industrialization in Africa and Least Developed Countries of the Group of 20.

3. The adoption of General Assembly resolution 70/293 on the Third Industrial Development Decade for Africa (2016-2025) is thus timely and important. The successful implementation of the resolution is of paramount importance if sustainable development and peace and security in Africa and around the world are to be achieved. In the resolution, the Assembly clearly states what is needed for Africa to industrialize:

(a) It encourages the international community to take action and use industrialization as a vehicle for meeting the targets set in the Sustainable Development Goals;

(b) It calls upon UNIDO to develop, operationalize and lead the implementation of the programme for the Third Industrial Development Decade for Africa and invites UNIDO to foster partnerships and coordinate with other relevant United Nations entities and to build joint initiatives in favour of industrialization;

(c) It calls for stronger public-private partnerships with multiple stakeholders and enhanced international cooperation, including North-South, South-South and triangular cooperation, in order to expedite the industrialization of Africa.

4. As the specialized agency of the United Nations with the mandate to support Member States in achieving inclusive and sustainable industrial development, UNIDO recognizes the need and the urgency to accelerate an industrialization process in Africa that addresses all three dimensions of sustainable development. This mandate is fully aligned with the 2030 Agenda for Sustainable Development.

5. Yet, the common goals formulated in the Third Decade cannot be achieved by one organization or Government alone. Successful industrial development in Africa requires effective partnerships and concerted efforts by Governments, investors, United Nations entities, civil society and other stakeholders. It is against this backdrop that the programme framework for the Third Decade was developed,

mindful of the complex, but necessary, coordination efforts that are prerequisites for achieving inclusive and sustainable industrial development in Africa.

II. Programme framework for the implementation of the Third Industrial Decade for Africa (2016-2025)

6. In resolution 70/293, the General Assembly calls for a coordinated, large-scale and action-oriented programme. Building on the experience of the previous two industrial development decades in the region, UNIDO initiated the establishment of a collaborative platform with national Governments, United Nations entities, national and regional institutions, international financial institutions and the private sector in order to design and implement the required framework fostering investment and technical expertise in Africa.

7. A draft programme framework for the implementation of the Third Decade will be presented to the United Nations system and stakeholders at the forthcoming joint high-level side event on the theme "Third Industrial Development Decade for Africa (2016-2025): From political commitments to actions on the ground", to be held on 21 September 2017 in New York on the margins of the seventy-second session of the General Assembly.

8. Underpinning the draft programme framework, a governance structure has been defined within UNIDO to ensure efficiency, impact and accountability in the implementation of the Third Decade. Two internal bodies were established for that purpose. Headed by the Director General of UNIDO, the Third Industrial Development Decade for Africa (2016-2025) Steering Committee provides strategic leadership pertaining to the development, implementation, monitoring and reporting of the programme framework. The committee is supported by a technical working group, whose tasks include resource mobilization, stakeholder engagement and the operationalization of the framework.

9. The draft programme framework is based on the vision contained in General Assembly resolution 70/293 of collectively advancing inclusive and sustainable industrial development in Africa within the next decade and outlines the objectives and pillars for its implementation. These elements are summarized in the paragraphs below.

A. Vision of the programme framework

10. The vision for the implementation of the Third Decade is to firmly anchor Africa on a path towards inclusive and sustainable industrial development. This can be achieved only by fostering sustainable economic transformation in Africa through a broad-based and country-owned process that leverages financial and non-financial resources, promotes regional integration and mobilizes cooperation among Africa's development partners in support of industrialization.

11. The implementation of the Third Decade thus seeks to mobilize and channel support to African countries, to complement their efforts towards the implementation of the African Union Agenda 2063, focusing on the first 10-year implementation plan, and the 2030 Agenda, focusing on Sustainable Development Goal 9 and its related targets. It will build partnerships based on inclusive and sustainable industrial development strategies that are aimed not only at creating prosperity, but also at ensuring that such development is shared by all, and that are environmentally sustainable. Hence, the implementation of the Third Decade is

aimed at contributing to the vision of eradicating poverty within the next generation overarching the 2030 Agenda.

12. The road towards inclusive and sustainable industrial development is long and steep. It is further complicated by the diversity of African countries and subregions in terms of, inter alia, their development stage and natural, financial and human capital endowment. However, the African continent presents several opportunities for an accelerated industrialization process. The successful implementation of the Third Decade will depend critically on the ability of Governments in the region, United Nations entities, other development cooperation actors, investors and other stakeholders to work together, exploit synergies and ensure coherence of efforts.

13. In resolution 70/293, the General Assembly thus calls upon UNIDO to foster partnerships with other agencies and partners in order to develop joint initiatives in favour of industrialization. The draft programme framework proposed by UNIDO responds to that call and is consistent with the ongoing system-wide discussions on United Nations reform and leadership. In particular, in discussing the leadership framework, the United Nations System Chief Executives Board for Coordination highlighted the broad flexibility of each implementing agency in defining the best implementation road map at the entity level, with due regard to their own mandates, unique value offerings and specific needs (CEB/2017/1, para. 15). Such flexibility is foreseen in the proposed programme framework for the implementation of the Third Decade.

14. Lastly, the draft programme framework takes into due consideration the areas of intervention explicitly mentioned in paragraph 6 of the resolution, as set out below: Technology transfer, on mutually agreed terms

- Access to information and communications technology
- Productive diversification
- Agribusiness value chain development
- Trade
- Capacity-building
- Renewable energy and energy efficiency
- Industrial policy
- Special economic zones and industrial parks
- Action on climate change and human capital development
- Strengthening public-private partnerships with a range of stakeholders, including those in the public and the private sectors, civil society organizations and academia.

B. The six pillars of the programme framework for the Third Industrial Development Decade for Africa (2016-2015)

15. Based on the above objectives, the implementation of the programme framework for the Third Decade is based on the six pillars set out below.

Pillar 1: Outreach and global forums

16. UNIDO and other stakeholders will convene and organize high-level events and other outreach activities to maintain and further increase the political momentum in support of the industrial development of Africa. Activities will

include dedicated sessions in meetings of intergovernmental organizations (for example, the United Nations, the African Union and African regional economic communities), expert group meetings and side events at major international meetings. The main thrust of the global forums will be to increase the visibility of the Third Decade and take stock of its implementation. The forums will also allow the creation of new partnerships and the building of synergies with key implementation partners and stakeholders and provide platforms to update the stakeholders on the progress of the Third Decade, with a view to nurturing cooperation in the implementation of its projects. Foreseen forums will include, but are not limited to, meetings of the African Union Specialized Technical Committee on Trade, Industry and Minerals (former Conference of African Ministers of Industry), the Least Developed Countries Ministerial Conference and Africa Industrialization Day.

Pillar 2: Strategic support towards the development and management of industrial policy instruments

17. In selected African countries, programmes and projects will contribute to the strengthening of governance, research and statistics in support of industrialization, as well as policy advice and institutional human capital development for the African Union Commission, regional economic communities and African States members of UNIDO. Key projects will include strengthening the capacity of African countries in industrial data collection, including statistics disaggregated by gender, and analysis to inform the implementation of the Third Decade; training and technical assistance for African countries for industrialization partnership agreements; support in the formulation, update, concretization and implementation of regional industrial policies of regional economic communities and subregional statistic hubs/ competence centres; and diagnostic, thematic and empirical studies to determine appropriate policies for the structural transformation of African economies.

Pillar 3: Technical cooperation

18. The key features of the technical assistance proposed will take into account the future outlook of manufacturing and industry and strategically focus on developing and implementing ongoing multidisciplinary and specific pipeline projects, as well as new initiatives in respective areas, including industrial parks and development of special economic zones; energy security and access for the promotion of competitiveness for Africa's industrialization, including trade facilitation and regional economic integration; agribusiness value chain development and upgrading; technology transfer; investment promotion and innovation; entrepreneurship and private sector expansion; and the economic empowerment of young people and women. Special emphasis will be placed on expanding the UNIDO Programme for Country Partnership approach to other countries in Africa.

Pillar 4: Cooperation with the African Union and African regional economic communities

19. This pillar supports the continued implementation of the African Union action plan for the accelerated industrial development of Africa, which constitutes the ways and means to enhance and strengthen cooperation with the African Union and the regional economic communities. The Joint African Union Commission-UNIDO action plan for 2017-2019 will also be implemented as part of this pillar. Among other initiatives, this will include the mainstreaming of the Third Decade programme into the respective work programmes of the cited institutions. Ongoing and planned activities include the establishment and operationalization of the implementation coordination unit for the African Union action plan for the

accelerated industrial development of Africa; the organization of regional consultative forums for policy decisions on industrialization; the scaling up of strategic support (advisory and technical cooperation) for regional economic integration in line with industrial cross-cutting issues (for example, infrastructure, trade regimes, etc.); and capacity-building programmes for African Union Commission staff and regional economic communities in respective areas.

Pillar 5: Partnerships and resource mobilization

20. Mobilizing the financial and technical resources to support African countries in achieving higher levels of inclusive and sustainable industrial development is critical for the success of the Third Decade. In this context, the participation of multilateral and bilateral development cooperation actors, as well as Governments and public and private sector investors, is paramount. The convergence of official development aid flows and investments along a specific, country-owned industrial policy direction is critical to ensure effectiveness and large-scale development impact.

21. In this context, activities will promote partnerships that accelerate inclusive and sustainable industrial development in target countries in Africa. This will include scaling up and enforcing cooperation agreements with international financial institutions, including the World Bank, the African Development Bank, the Arab Bank for Economic Development in Africa and the Islamic Development Bank; organizing specific funds mobilization/investment conferences and donor round tables; collaborating mechanisms across United Nations entities on specific Third Decade projects, including the Economic Commission for Africa (ECA), the International Telecommunication Union, the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organization (ILO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP); enhancing the development of public-private partnerships and other established partnership approaches; mobilizing financing from private sector partners (for example, multinational companies); leveraging South-South and triangular cooperation; strengthening cooperation within existing bilateral development cooperation frameworks (for example, the Forum on China-Africa Cooperation; the Tokyo International Conference on African Development; the European Union; and Brazil, Russian Federation, India, China and South Africa (the BRICS countries)); and leveraging resources from the Global Environment Facility.

Pillar 6: Communication and advocacy activities

22. Under this pillar, an outreach campaign is envisaged to promote and publicize the activities implemented within the Third Decade framework and, in particular, the key results and impact generated through those interventions. Activities to support the advocacy and communication matters of the Third Decade will include organizing targeted advocacy and communication around key global, regional and country-level events; developing and implementing country- and regional-level advocacy and communication activities; identifying eminent persons as ambassadors for the Third Decade; using various social media channels to publicize and disseminate information on Third Decade activities, including promotional videos and documentaries on the Decade on major media and various Africa media outlets; and disseminating publications and advocacy products.

III. Progress to date

23. The inception period of the Third Industrial Development Decade for Africa (2016-2025) included the formulation of the programme framework, the design of the governance structure within UNIDO and across a range of stakeholders and the beginning of the implementation of activities within the Third Decade programme framework. This section summarizes the progress made to date.

A. Governance: Partnerships and multi-stakeholder involvement

24. Cognizant of the pervasiveness of the challenges to the industrialization of Africa and the need for concerted global efforts, the General Assembly, in resolution 70/293, calls for active and broad-based participation of stakeholders in the design and implementation of programmes and projects. Coordination among the actors involved is a challenge, but essential for the successful implementation of the Third Decade. Cost-effective coordination mechanisms need to be put in place to ensure a high impact of joint activities, synergistic implementation, sharing of best practices and lessons learned, greater visibility and the promotion of investments and policies.

25. In line with the resolution, specific mechanisms will be designed to ensure the inclusion of stakeholders and partners in the Third Decade process. These stakeholders include the African Union Commission, the New Partnership for Africa's Development (NEPAD), ECA, UNCTAD, the Food and Agriculture Organization of the United Nations (FAO), ILO, the World Trade Organization (WTO), the World Health Organization, UNEP, UNDP, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the Office of the Special Adviser on Africa, the International Monetary Fund and the World Bank.

26. The implementation of the Third Decade will also advocate broad-based activities that embrace North-South, South-South and triangular cooperation. It imperatively reaffirms that South-South cooperation is not a substitute, but a complement to, North-South cooperation. In addition, the Third Decade will involve cooperation with bilateral donors and partners, including UNIDO member States, African regional economic communities, international finance institutions and regional development banks, including the African Development Bank and the New Development Bank.

27. Two coordinating bodies will be created to facilitate the involvement of stakeholders in the Third Decade:

(a) The Third Industrial Development Decade for Africa (2016-2025) Implementing Partner Steering Committee will coordinate the work of key implementing partners, including the African Union Commission, NEPAD, ECA, the Office of the Special Adviser for Africa, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the African regional economic communities, selected development finance institutions and other United Nations entities, including UNCTAD, ILO, UNEP, UNDP, WTO and the World Bank, to discuss joint programmes and projects, resource mobilization and other pertinent issues with respect to the implementation of the Third Decade;

(b) The Third Industrial Development Decade for Africa (2016-2025) High-level Advisory Panel will provide advice, strategic guidance and oversight in respect of the programme framework, as well as its joint collaboration for the implementation mechanisms. The members of this body will include representatives

from government, the private sector, civil society and academia. They will involve Governments of Africa, for example, through a representative group such as the African Union Specialized Technical Committee on Trade, Industry and Minerals, regional development banks, private sector stakeholders and associations (particularly from Africa), civil society organizations and academia.

28. The process to establish the two bodies is currently ongoing. It involves discussions with implementing partners, both within and outside the United Nations system, UNIDO member States and other stakeholders. The purpose of the discussions is to identify possible areas of collaboration, agree on modalities for joint implementation, and reporting mechanisms. UNIDO will also hold a workshop to present the Third Decade programme framework to an expanded stakeholder group to facilitate broad-based consultations and to finalize it.

B. Reporting structure

29. In line with General Assembly resolution 70/293, UNIDO will assume the overall reporting function on the implementation of the Third Decade. UNIDO will therefore play a leading role in the monitoring and evaluation of activities and in the preparation of reports on programmes and projects undertaken by UNIDO and partners as part of the Decade. Inputs for the reports will be collected from implementing partners on a regular basis. The final reporting structure will be discussed and validated with all implementing partners.

C. Progress in the implementation of the Third Industrial Development Decade for Africa (2016-2025) programme

30. While the inception phase of the Third Decade focused on activities relating to the governance and programme design, initial progress has also been made on implementation. A summary of activities to date within each pillar is set out below.

Pillar 1: Outreach and global forums

31. The development and implementation of the Third Decade were discussed at the following global forums and high-level events:

1. Special meetings of the Economic and Social Council on innovations in infrastructure development and promoting sustainable industrialization

32. Resilient infrastructure and sustainable industrialization help to achieve inclusion and equality within societies and can thereby contribute to poverty eradication. The President of the Economic and Social Council, with the support of UNIDO, organized two preparatory meetings and a special meeting on these topics in 2017.

2. Regional meeting on innovations for infrastructure development and promoting sustainable industrialization, Dakar, 26 to 28 March 2017

33. The meeting gathered high-level experts and policymakers and discussed key issues, challenges and opportunities, lessons, experiences and potential solutions on infrastructure development and sustainable industrialization for economic growth. UNIDO moderated a round-table discussion on policy perspectives on the infrastructure-industrialization nexus. The meeting provided the opportunity to explore existing initiatives on these topics and highlighted the role of the UNIDO Programme for Country Partnership in achieving Sustainable Development Goal 9.

There was agreement that there is a need to strengthen private sector involvement in the development process, foster new partnerships with development partners and develop national education and training systems as a means of addressing capacity gaps.

3. Global expert meeting on agriculture and agro-industries development towards sustainable and resilient food systems", Victoria Falls, Zimbabwe, 24 to 26 April 2017

34. The meeting discussed issues pertaining to agriculture, agro-industry and the changing food systems. It focused on how to overcome policy, capacity and financing gaps in those areas and presented agribusiness approaches that support food security, job creation and value addition. For example, the African Agribusiness and Agro-industry Development Initiative of UNIDO and FAO, among others, was presented as a key mechanism to achieve the Sustainable Development Goals, in particular Goals 2 and 9. It was proposed to expand the content and regional scope of the Initiative to address a range of global and national development challenges, create funding mechanisms and enable partnerships, including between the public and private sectors. Furthermore, important lessons were drawn from the work of UNIDO on agro-industrial parks as part of Ethiopia's Programme for Country Partnership. These included the need for investment in food industrial parks that are close to primary production areas to shorten the supply chains, add value and reduce post-harvest losses. Agro-industrial parks will contribute to food security and safety, as well as increase job opportunities, especially for young people, women and the rural communities.

4. Special meeting of the Economic and Social Council on innovations for infrastructure development and promoting sustainable industrialization, New York, 31 May 2017

35. The special meeting brought forward challenges and opportunities associated with the achievement of Sustainable Development Goal 9. It recognized the need to strengthen and scale up existing partnerships, build capacities and mobilize resources, as well as to maximize the positive impact of Goal 9 on poverty eradication and sustainable development. International partnerships and development cooperation that increase access to finance and strengthen risk mitigation measures and expertise were identified as effective solutions for overcoming challenges. The meeting highlighted that the Economic and Social Council would support the scale-up and expansion of the Programme for Country Partnership and the African Agribusiness and Agro-industry Development Initiative, including through its role as the principal United Nations organ for policy coordination, integration and review of the 2030 Agenda.

5. Conference dialogue on the theme "Blue growth and economy: Sharing perspectives and experiences for Africa", Cabo Verde, 3 to 5 May 2017

36. The conference provided a platform for sharing knowledge on blue growth and economy concepts and domains such as fisheries and aquaculture value chain development, integrated coastal zone management, socioeconomic and ecological systems resilience, carbon sequestration and ecosystems services, clean energy, tourism, transport and knowledge generation for sustainable development. UNIDO held four presentations, including on blue growth and the blue economy; the implementation of Sustainable Development Goal 14; adapting markets and value chains to blue growth and the blue economy using the example of the fishery value chain; and the involvement and incentives of the private sector in the blue economy. UNIDO also shared technical reports and success stories on technical assistance projects. It is planned that UNIDO will cooperate with the African Development

Bank on its blue economy flagship programme under the Bank's "Feed Africa: Strategy for agricultural transformation in Africa, 2016-2025".

6. Side event on industrialization and investments in Africa, thirty-third session of the African, Caribbean and Pacific Group of States–European Union Joint Parliamentary Assembly, Malta, 19 June 2017

37. A side event on African industrialization was held at the thirty-third session of the African, Caribbean and Pacific Group of States–European Union Joint Parliamentary Assembly. The event took place in cooperation with Global Africa, African Diaspora Network-Europe and UNIDO, the support of the Maltese presidency of the Council of the European Union and the sponsorship of the Federal Foreign Office of the Government of Germany. The aim of the event was to discuss the priority of investing in the industrialization process of developing countries, particularly in Africa. The side event created an opportunity to discuss avenues to mutualize industrialization efforts of various partners by promoting sustainable investments, increasing local processing of natural resources, improving the skills of young people and women and integrating African enterprises into global value chains. The outcome of the discussions emphasized the need to operationalize industrial objectives on the ground and to work in partnerships at the country level.

Pillar 2: Strategic support towards the development and management of industrial policy instruments

38. The formulation of effective industrial policies is a proven precondition for successful inclusive and sustainable industrialization strategies. Pillar 2 of the Third Decade programme seeks to support Governments in Africa in that context, with UNIDO operating both at the subregional and the country levels. One example of work by UNIDO at the subregional level is building the analytical capacity of the secretariat of the Central African Economic and Monetary Community and of the East African Community, leading to the preparation of baseline studies on the degree of industrialization in their member States, which are in turn essential for the formulation of evidence-based industrial policies. The same type of activities are being delivered at the country level (for example in Cameroon and the United Republic of Tanzania). Senior advisory services are also required during the process of policy formulation (as is currently the case for UNIDO with the Southern African Customs Union) or for the monitoring and evaluation of specific policies (as in the case of South Africa).

Pillar 3: Technical cooperation

39. This subsection highlights some examples of the work of UNIDO in the area of technical cooperation, aimed at promoting inclusive and sustainable industrial development in Africa.

1. Programme for Country Partnership

40. In order to operationalize the partnership approach, UNIDO has developed a new type of assistance package for its member States: the Programme for Country Partnership. The Programme is aligned with the national industrialization priorities of the benefiting country and ongoing government and partner interventions relevant for advancing inclusive and sustainable industrial development. It focuses on a selected number of priority industrial sectors or projects. The Programme is also aligned with the priorities of international, multilateral and bilateral finance institutions. Partners in the Programme include United Nations entities, bilateral donors and the business sector. The role of UNIDO within the Programme is to provide advisory services to the government on industry-related issues, lead

programme design, provide multidisciplinary technical assistance and facilitate overall coordination of the Programme.

41. The Programme for Country Partnership has been piloted in two African countries, Ethiopia and Senegal, since 2014. Particular emphasis has been placed on the development of industrial zones and agro-parks. To showcase the Programme to the region and attract investment in priority projects of the Programme for Country Partnership for Senegal, the Fifth Forum on Inclusive and Sustainable Industrial Development was held in Dakar in November 2016. In Ethiopia, integrated agro-industrial parks are also a central part of the Programme. The 1 First International Agro-Industry Investment Forum was held in Addis Ababa in October 2016 to promote investment in the agro-food processing, leather and textile sectors. UNIDO is planning to expand the partnership approach through the Programme for Country Partnership in five additional African countries.

2. Agriculture and food security: Upgrading the fishery sector in South Sudan

42. UNIDO is implementing an $11 million project, funded by the Government of Canada, that is aimed at improving food security, creating jobs and setting the fishery sector of South Sudan on a path of sustainable growth by addressing fishing communities and actors along the fishery value chain. The following has been achieved to date: the procurement of post-harvest reduction fishing equipment for utilization by targeted beneficiaries and communities, including fisher folk; the development of fish markets in two communities, as well as a small-scale business development centre; and the development of a capacity-building programme.

3. Empowerment of young people and women: Supporting the resilience capacity of young people and women after armed conflict in Mali

43. This joint programme of UNIDO and UNDP consolidates the reconciliation and peacebuilding process in northern Mali by allowing young people and women to benefit from spaces for discussion, exchange and training. In addition, it will facilitate the development of technical and operational skills of young people and women. To date, 45 trainers have been trained in financial and administrative management and 12 in entrepreneurship and business plan development. A total of 300 young people have been trained in business plan development and 200 women in management and entrepreneurship.

4. Renewable energy: Global low-carbon low-emission clean energy technology transfer programme in Ethiopia and Kenya

44. The low-carbon low-emission programme is being implemented in cooperation with the Government of Japan and promotes the successful transfer of innovative low-carbon technologies from developed to developing countries. The programme is aimed at fostering the deployment and dissemination of innovative low-carbon low-emission clean energy technologies, products, systems and services. To date, awareness-raising and training exercises have been undertaken to build and strengthen local capacities for the maintenance and manufacturing of ultra-low head micro hydropower technology.

5. Investment promotion: Investment and Technology Promotion Office in Nigeria

45. In March 2016, UNIDO opened an Investment and Technology Promotion Office in Abuja to promote new technologies and mobilize resources. Initiatives for Nigeria include new technologies to enhance clusters for the production of industrial goods, the national quality infrastructure project, which helps to ensure that local products comply with international norms and standards and the staple

crop processing zone programme, which supports the export of processed agro-products. Upcoming initiatives will promote clean technologies for cooking and other domestic uses, and support for investing in sustainable energy.

6. Trade capacity-building: Quality infrastructure development in Namibia

46. In its effort to support good governance, the rule of law and poverty eradication, UNIDO assisted in building trade capacity for exports in Namibia by strengthening the country's quality infrastructure and thereby supporting exporters in maintaining and developing new markets. As a result of the project, which was implemented in collaboration with the Government of Namibia, the capacity of the metrology division of the Namibian Standards Institution to offer related services was improved, including through a review of national quality policies.

7. Small and medium-sized enterprise and private sector development: Mashrou3i project in Tunisia

47. This project was implemented in collaboration with the United States Agency for International Development and the HP Foundation. To date, the project has helped to create more than 1,261 jobs and has assisted more than 161 start-up businesses, mainly in the governorates of Kairouan, Kasserine, Kef and Sidi Bouzid, 42 per cent of which involved female entrepreneurs. Seventy small and medium-sized enterprises received technical assistance from UNIDO. Additionally, 1,570 aspiring entrepreneurs took part in HP LIFE (Learning Initiative for Entrepreneurs) face-to-face workshops. The project will be expanded to 14 additional governorates of Tunisia.

Pillar 4: Cooperation with the African Union and African regional economic communities

Cooperation with the African Union Commission

48. Within the long-standing partnership with the African Union, UNIDO led several activities to enhance the development and implementation of the Third Decade and to raise its visibility in the reporting period. As part of the joint cooperation and with the aim of implementing the Third Decade, a new joint African Union Commission-UNIDO action plan was developed to strengthen the ongoing collaboration and include new planned interventions. The joint action plan covers all priority areas of the work of UNIDO and details the technical assistance and expertise that UNIDO will provide to the Commission.

49. Specifically, the programmes and projects pertain to technical cooperation as well as institutional cooperation and cross-cutting issues. These include:

- Promoting industrial development and innovation in Africa, with a focus on agro-industry and industrial clustering, the pharmaceutical sector, energy and green industry sectors
- Improving competitiveness in the manufacturing industry, focusing on trade capacity-building/quality infrastructure for improving competitiveness and market access as well as investment promotion
- Fostering regional policies to enhance Africa's competitiveness revolution, including support to industrial policy development at the national, regional and continental levels and competitiveness enablers: innovation, technology and entrepreneurship
- Supporting continental efforts towards data, including support for collation and dissemination of industrial policy data and statistics

- Institutional cooperation, including on the Third Decade, support to the organization of the African Union Ministerial Conference of the Specialized Technical Committee on Trade, Industry and Minerals, implementation of the plan of action for the accelerated industrial development of Africa, Africa Industrialization Day and the African Union Year of African Structural Transformation through Industrialization and Mineral Development (2019)
- Cross-cutting issues, which include young people and promotion of South-South and North-South industrial cooperation.

50. Furthermore, UNIDO is currently working with the African Union Commission to establish and operationalize an implementation coordination unit for the execution of the action plan for the accelerated industrial development of Africa. The assistance provided through this unit is expected to result in enhanced capacity of the African Union Commission's Department of Trade and Industry to coordinate and effectively support the programmes of the action plan and other continental frameworks that focus on promoting inclusive and sustainable industrial development in Africa.

Pillar 5: Partnerships and resource mobilization

1. Cooperation with the Group of 20

51. Under the Chinese presidency, the Group of 20 Development Working Group commissioned the preparation of a report for the Hangzhou Summit entitled "Industrialization in Africa and least developed countries: Boosting growth, creating jobs, promoting inclusiveness and sustainability". The report, led by UNIDO in cooperation with various other international organizations, highlighted the benefits of inclusive and sustainable structural transformation and industrialization for diversifying the economy, creating jobs and building equitable societies. It also demonstrated the benefits of leveraging trade in intermediate goods, investment and regional and global value chains for African countries, specifically the least developed countries. The report recommends that the Group of 20 promote inclusive and sustainable structural transformation and industrialization in Africa and least developed countries through various mechanisms, such as knowledge-sharing platforms for peer-to-peer learning; the sharing of best of practices, policies, measures and guiding tools; and multi-stakeholder discussions. On the basis of the UNIDO report, the Group of 20 launched an initiative on supporting industrialization in Africa and least developed countries in Hangzhou.

52. Under the German presidency of the Group of 20 in 2017, the focus on African development, including through industrialization, was maintained. In line with the Third Decade programme framework, UNIDO and other international organizations highlighted the importance of value addition, job creation and social inclusion including in rural development contexts, as shown in the Group of 20 initiative on rural youth employment and the #e-Skills4Girls initiative aimed at a gender inclusive digital economy. Also under the German presidency, the Group of 20 launched the initiative "Group of 20 partnership with Africa", which includes a Group of 20 compact with Africa aimed at prioritizing Group of 20 financial and programmatic support to the region. Within this context, the "Group of Twenty Africa Partnership Conference: Investing in a common future", held in Berlin on 12 and 13 June 2017, at which priority interventions for boosting private investment in Africa were discussed, also touched upon the issue of industrialization in the continent. UNIDO will intensify discussions to enhance collaboration with the Group of Twenty and the countries identified in the compact with Africa, including Ethiopia and Senegal, with a view to channelling investments from the Group of 20

compact with Africa towards activities to advance the implementation of the Third Decade programme.

53. In addition, UNIDO organized a side event for the forty-fifth session of the UNIDO Industrial Development Board on the theme "Supporting industrialization in Africa and least developed countries: a priority shared by the Group of 20 and UNIDO", held in Vienna on 27 June 2017. The side event provided an opportunity for UNIDO member States to meet representatives of the Group of Twenty Development Working Group, led by the German presidency, and exchange experiences on the role of intergovernmental bodies in industrialization. High-level representatives of the Group of Twenty reached out to the UNIDO Industrial Development Board, and UNIDO shared experiences and insights into ongoing initiatives and approaches to advance inclusive and sustainable industrialization in the context of the Sustainable Development Goals and the Third Decade.

2. Least developed countries framework

54. UNIDO has a long-standing history in supporting least developed countries on their path to industrialization, thus continuously contributing to the structural transformation of their economies. UNIDO is committed to providing targeted assistance in all areas of its expertise and capabilities. Moreover, UNIDO aims to mitigate inequalities by targeting the marginalized and most vulnerable communities, while further focusing its actions in favour of the least developed countries, as guided by the Istanbul Programme of Action. UNIDO was one of the main contributors to the development of the targets of the Programme of Action, which include building productive capacities and accelerating structural transformation. UNIDO is currently implementing a portfolio of more than 200 projects in least developed countries and during the reporting period, it organized and participated in various events aimed at enhancing industrialization in African least developed countries. UNIDO will also organize the upcoming seventh Least Developed Countries Ministerial Conference, on the theme "Building global partnerships: Enhancing inclusiveness and growth in least developed countries", to be held in Vienna on 23 and24 November 2017.

55. The following events provide examples of activities relating to least developed countries in Africa held during the reporting period:

(a) High-level seminar: Accelerating sustainable energy for all in landlocked developing countries through innovative partnerships, October 2016;

(b) The Government of Austria, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, UNIDO and the Sustainable Energy for All Initiative jointly organized a high-level seminar on the theme "Accelerating sustainable energy for all in landlocked developing countries through innovative partnerships", held on 24 and 25 October 2016. The meeting was part of the follow-up and implementation of the Vienna Programme of Action. It was held in the context of the 2030 Agenda for Sustainable Development and the Paris Agreement. The meeting called for, inter alia, national strategies to achieve global goals on sustainable energy, build resilient sustainable energy infrastructure, promote inclusive industrial development and foster innovation in landlocked developing countries, enhance regional cooperation and finance sustainable energy transition in landlocked developing countries;

(c) UNIDO organizes inclusive and sustainable industrial development forums on a regular basis to extend the impact and outreach of inclusive and sustainable industrial development goals. The Fifth Forum on Inclusive and Sustainable Industrial Development, co-organized by UNIDO and the Government of Senegal, was held Dakar, with 15 ECOWAS countries, including 11 least

developed countries, in November 2016. The Forum presented the experience and results of the implementation of the Programme for Country Partnership in the two least developed country pilot countries, Ethiopia and Senegal, in order to sensitize ECOWAS countries to the principles of partnership and enhanced cooperation with the private sector. The Forum also discussed some of the challenges impeding Africa's industrialization and highlighted the importance of regional integration. In that regard, the it presented an action plan for the replication and dissemination of the Programme for Country Partnership model across West Africa. Some 400 participants attended the Forum, including high-level representatives from Governments in Africa, international and regional financial institutions, technical and financial development partners and the private sector;

(d) First International Agro-Industry Investment Forum, Addis Ababa, 5 to 7 October 2016. The First International Agro-Industry Investment Forum was jointly organized by UNIDO and the Government of Ethiopia. The event was organized as part of the Programme for Country Partnership for Ethiopia. With an attendance of more than 1,200 participants, the Forum featured two days of panel discussions, a field visit and several side events, including an exhibition and business matchmaking activities over all three days. Nearly 160 formal business-to-business meetings between Ethiopian companies and foreign investors took place, facilitated by UNIDO. An investment opportunity directory comprising 58 Ethiopian companies was prepared for investment promotion purposes during and after the Forum.

IV. Upcoming events and milestones

56. Going forward, UNIDO will finalize the programme framework through a consultative process and will work on its operationalization. UNIDO will also establish structures and mechanisms to achieve efficient and effective cooperation on the implementation of the framework, joint resource mobilization and continued monitoring and reporting on the Third Decade.

57. Various joint high-level events are planned in the near future. These include the joint high-level event on the theme "Third Industrial Development Decade for Africa (2016-2025): From political commitment to actions on the ground", to be held within the margins of the seventy-second session of the General Assembly on 21 September 2017 in New York and a joint side event to be held at the UNIDO General Conference in Vienna in November 2017 on the theme "Partnering for implementation of General Assembly resolution 70/293 on the Third Industrial Development Decade for Africa (2016-2025)".

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The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

In the present report, submitted pursuant to General Assembly resolution 71/148, updates and analysis are presented on the assistance provided by the United Nations in relation to the rule of law at the national and international levels during the last 12 months and proposals to strengthen the Organization's work in support of Member States are examined.

Member States and the international community at large have recognized that the rule of law is critical in efforts to build and sustain peace and an enabling factor in the prevention of conflict, the realization of the 2030 Agenda for Sustainable Development and the overall protection and promotion of human rights.

The United Nations is committed to delivering more targeted support to Member States and to enhancing the impact of rule of law efforts on people's lives. The engagement of Member States is key in helping to shape the solutions to the challenges faced by the Organization in providing rule of law assistance.

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I. Introduction

1. The twenty-first century has seen extraordinary technological progress, the growth of the global economy and improvements in basic social indicators. Concurrently, global problems such as climate change, mass human displacement, migration, terrorism and increasingly complex conflicts require sophisticated responses, which must be grounded in an international order based on the rule of law.

2. In the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels of 2012, Member States reaffirmed the fundamental importance of the rule of law for the further development of the three main pillars of upon which the United Nations is built, namely, international peace and security, human rights and development. Among States, the rule of law provides a basis for political dialogue and cooperation, the peaceful settlement of international disputes, ensuring accountability for international crimes and enabling solutions to global problems.

3. Member States have increasingly called upon the United Nations to support efforts to strengthen the rule of law at both the national and international levels. The work done in that regard, with an emphasis on notable developments, challenges and best practices in United Nations rule of law assistance, is set out in the present report, submitted pursuant to General Assembly resolution 71/148.

4. The annex to the present report contains information on the subtopic "Ways and means to further disseminate international law to strengthen the rule of law", to be discussed by the Sixth Committee during the seventy-second session of the General Assembly (see annex). A separate report has been submitted providing a review of the regulations giving effect to Article 102 of the Charter of the United Nations (A/72/86).

II. United Nations support and activities to strengthen the rule of law

5. At the national level, there is no single model for the development of the rule of law. United Nations entities have supported efforts to strengthen the rule of law in a number of countries, at different stages in their development, and will continue to provide support when requested by national authorities. United Nations support is guided by relevant international legal and human rights frameworks, draws on comparative experience and best practices and is aligned with the national priorities of Member States.

A. United Nations support at the national level

6. The rule of law is an outcome that requires continued effort to keep up with the constant evolution of societies and no country is excluded from this effort. All countries, regardless of the stage that they have reached in their development, face challenges in addressing risks and structural weaknesses that could destabilize their political and economic gains, diminish the protection of human rights and undermine the relationship between State authorities and the people they serve. In the context of protracted conflicts, the rule of law allows for the identification of durable political solutions and enables States to rebuild relationships with their populations.

7. In the light of such dynamics, during the reporting period, the United Nations provided assistance in respect of rule of law efforts at the national level under the six main areas of work outlined below. Emerging issues on which the United Nations needs to improve its response and support are highlighted.

Capable and accountable justice and security institutions

8. The United Nations has supported justice and security sector reforms in every region of the world, in such countries as the Central African Republic, El Salvador, Kyrgyzstan, Lebanon and Liberia, with a view to ensuring the delivery of services and reinforcing trust between people and State institutions.

9. In Somalia, the constitution review process provided an opportunity to reformulate the justice and corrections architecture at the federal and state levels. Technical assistance was provided to help to build consensus on the most appropriate model to improve the functionality and independence of the justice system. The Palestinian Authority initiated a legal harmonization process to align its legislation, including laws on gender discrimination, with international treaty commitments. In Iraq, authorities developed security sector reform strategies and, in Haiti, the Inspector General of the Police increased the oversight of the police services. In Darfur, the Sudan, the authorities reopened a prison facility, thereby re-establishing a missing link in the chain of the criminal justice system. The United Nations conducted the global study on legal aid in order to ascertain the current state of legal aid around the world with a view to assisting States and other service providers.

10. In Mali, the United Nations supported national efforts to restore essential justice services to combat terrorism and organized crime. In Guinea-Bissau, the comprehensive approach of the United Nations to expanding the rule of law throughout the country included capacity-building through mobile criminal justice teams, the establishment of model police stations to advance community policing and support for corrections institutions. In the Central African Republic, over 3,447 police officers were registered and deployed, more than a dozen courts were re-established and the demilitarization of the prison service is ongoing. In Somalia, authorities established the first case record management system in one of the administrative regions and, in the State of Palestine, the automation of criminal justice services and the establishment of a forensic science laboratory have helped to reduce due process delays. In Afghanistan, authorities established a dedicated Anti-Corruption Justice Centre in 2016, leading to 41 convictions on bribery or embezzlement charges.

Community-oriented security and armed violence reduction

11. In countries and regions where armed violence and widespread human rights violations are perpetrated by both State and non-State actors, populations continue to live with insecurity and impunity, without the protection of responsive police services or other law enforcement, justice and corrections systems.

12. The United Nations has helped to reduce illicit flows of small arms and light weapons. The Organization developed and disseminated the International Small Arms Control Standards, which have provided guidance to more than 100 States. At the regional level, cooperation between the United Nations and the European Union has helped to advance disarmament and arms control in South-Eastern and Eastern Europe.

13. The United Nations has also supported the establishment of community-oriented policing programmes in Iraq, Pakistan and Sierra Leone. In Jordan and Lebanon, where the influx of Syrian refugees has created tensions with host

communities, authorities bolstered police and other law enforcement capacities to deliver services to people in need and to prevent escalations in violence.

14. United Nations assistance has enabled El Salvador and Mali to make tangible progress in reducing criminal violence, while the Government of Colombia has successfully rolled out citizen security and coexistence plans in the areas most affected by violence. In the Central African Republic, the disarmament, demobilization and reintegration programme and the community violence reduction programme contributed to overall stabilization and creating the conditions necessary for inclusive elections. In Haiti, the community violence reduction programme has provided vocational and employment opportunities for young people.

Access to justice for marginalized groups

15. There are sectors of populations that are often disempowered and deprived of their rights, voice and representation. United Nations support includes the use of mobile and specialized courts in resolving disputes, particularly in remote areas, and the strengthening of legislative and policy frameworks for minorities, indigenous peoples, poor communities and displaced persons.

16. With United Nations assistance, more than 10,000 people in the Democratic Republic of the Congo received legal information in legal clinics in the eastern regions of the country, cases involving 1,263 victims of sexual and gender-based violence were referred to the courts and 783 judicial decisions were pronounced in such cases in 2016. In the Central African Republic, 23 mobile court sessions provided access to justice services in remote areas. United Nations assistance also enabled Albania, Algeria, Namibia, Thailand, Tunisia and Viet Nam to adopt enhanced procedures and regulations on children's rights and improved access to justice for children. Government entities and civil society provided improved access to justice for vulnerable and marginalized groups through tailored legal assistance programmes in Bosnia and Herzegovina, Haiti, Kyrgyzstan, Pakistan, Somalia and Timor-Leste.

17. In countries with plural legal systems, where both men and women rely on customary mechanisms for redress, the United Nations has provided assistance to tighten functional linkages between the national legal system and customary systems and to ensure that human rights are respected and that high-quality services are provided. In Darfur, the United Nations supported customary rural courts in the mediation of land disputes and other intercommunal drivers of conflict, including a long-standing inter-tribal dispute that resulted in a ceasefire agreement. In Sierra Leone and Uganda, the United Nations partnered with local councils to increase respect for women's rights during the hearing of cases. The United Nations worked closely with Guatemala and the Plurinational State of Bolivia to achieve significant progress in promoting gender equality within indigenous justice systems.

Security and justice for women and girls

18. Structural inequalities, poverty and discrimination hinder the access of women and girls to justice and security. A gender-responsive legal system, livelihood opportunities, access to education for girls and measures to reduce sexual and gender-based violence are some of the building blocks of a resilient society.

19. Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, the Convention on the Elimination of All Forms of Discrimination against Women, general recommendations Nos. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and 33 (2015) on women's access to justice of the Committee on the Elimination of All Forms of Discrimination against Women and the 2030 Agenda for Sustainable Development

are relevant frameworks for the promotion of gender equality through rule of law efforts. The Seven-Point Action Plan on Gender-Responsive Peacebuilding, introduced by the previous Secretary-General, includes a goal on ensuring that at least 15 per cent of the post-conflict programme funds managed by the United Nations are allocated to meeting women's needs and building their capacities. That goal must be met consistently.

20. National authorities and civil society are working with the United Nations to prevent and address sexual and gender-based violence and conflict-related sexual violence in Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Guatemala, Iraq, Liberia, Mali, Sierra Leone, the Sudan and other countries. Such efforts include legal reforms, legal assistance programmes, community security programmes, the development of specialized services for victims and survivors of violence, awareness-raising campaigns and rehabilitation programmes. In Darfur, support was provided for the opening of a child-friendly family visiting bay in a women's prison and, in Kyrgyzstan, the participation of women in local public safety meetings led to the prioritizing of the issue of sexual and gender-based violence in crime prevention plans.

21. In Afghanistan, female police officer councils were established to reduce discrimination and domestic violence. In Côte d'Ivoire, support for demobilized former combatants included vocational training for 752 women, thus enabling their reintegration into local communities. In Colombia, consultations with 320 women from conflict-affected regions were taken into account when designing the national truth commission.

Economic and environmental protections

22. Corruption poses a significant threat to the rule of law, erodes public trust and exacerbates inequality. Accountable and inclusive rule of law institutions are essential for generating the stability and predictability required to enable the proper conduct of business and investment with a view to creating economic opportunities. In a global economy with cross-border financial flows, laws and enforcement capacities are necessary to guarantee protection and prevent illicit financial flows. During the reporting period, United Nations entities supported the development of legal frameworks, law enforcement institutions and anti-corruption commissions in all regions.

23. Strong rule of law frameworks and institutions can serve to enhance cooperation among Member States on issues of mutual concern regarding environmental protections. United Nations entities have provided considerable support to strengthen legal frameworks in countries such as Antigua and Barbuda, Chile, Costa Rica, the Lao People's Democratic Republic, Paraguay and Peru on a diverse range of issues, including greenhouse gas emissions, the prohibition of lead paint, private sector mitigation measures and the elimination of plastic bags.

24. Lastly, it should be emphasized that safe and regular migration can benefit both migrants and society. Ensuring that legal frameworks are in place to promote economic and social inclusion, to guarantee access to justice for all migrants, to facilitate the sending of remittances and the portability of earned benefits will result in broader development opportunities for both host States and migrants.

Culture of lawfulness

25. The outcome document of the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha in April 2015, referred to the importance of promoting a culture of lawfulness that supports the rule of law and human rights while respecting cultural identities. Rule of law efforts could have a

greater impact and attract more political support if they were informed by local sociopolitical culture and values.

26. Linkages between political environments, institutional deficits and the justice and security needs of communities must inform programming in Member States. Public trust in institutions is key. In Guinea, support was provided to the Office of the President for the convening of inclusive strategic orientation commissions to take decisions on security sector reform strategies and develop action plans for implementation. Owing to their transparency, transitional justice mechanisms, such as the one in Tunisia, have also helped to strengthen popular support for the rule of law. Projects with a focus on education and judicial integrity, such as those in Nepal and Timor-Leste, can also strengthen trust in institutions.

27. More can be done to support Member States in maximizing sociopolitical capital for advancing the rule of law and promoting a culture of lawfulness. The Organization's work in this area must be strengthened, in particular on the role of education and working with local actors to improve understanding of the positive contribution of local values and practices.

B. Strengthening accountability for international crimes at the national level

28. Member States have primary responsibility for pursuing accountability for international crimes in domestic justice systems. Pursuant to the complementarity principle, the International Criminal Court may investigate and prosecute in instances in which a State is unwilling or unable to effectively address a crime within its jurisdiction. Domestic investigations and prosecutions should be undertaken on the basis of national laws and procedures that are consistent with international norms and standards and justice must be seen, by victims and society, to be done impartially to ensure the legitimacy of national efforts.

29. Member States have made progressive and innovative contributions to strengthening accountability for international crimes at the national level, often when emerging from periods of conflict and violence. In the Central African Republic, magistrates and prosecutors, including an international special prosecutor, have been appointed to the Special Criminal Court, which was established in 2015 to prosecute serious crimes committed since 2003. Once it is fully operational, the Special Criminal Court will function in parallel to the national courts, which are currently hearing the cases of 45 individuals whose arrests were facilitated by the United Nations. In Colombia, the peace agreement of 2016 provides for the establishment of a special jurisdiction for peace, which includes a special domestic court for prosecuting war crimes. An example of a different model is the International Commission against Impunity in Guatemala, a prosecution office led by an international prosecutor and established pursuant to an agreement between the United Nations and the Government to investigate complex crimes under national law. The International Commission has successfully investigated senior government officials, including a former Head of State and a Vice-President.

30. United Nations entities continue to assist Governments in establishing frameworks for prosecuting international crimes in domestic courts. One example is the support being provided to Iraq to develop a law for this purpose. In the Democratic Republic of the Congo, the work of the prosecution support cells has resulted in 215 convictions of serious crimes during the reporting period. With a view to developing national capacity to investigate and prosecute conflict-related sexual violence, the United Nations deployed experts to Guatemala and Tunisia, as well as to the African Union.

31. Over the years, the United Nations has refined its approach and provided support for a broad range of transitional justice processes. A recent example is the Truth and Dignity Commission of Tunisia, which held its first public hearing in Tunis in 2016 and is mandated to refer cases to the national courts. The Government will also establish specialized chambers to prosecute serious crimes of the former regime. The United Nations has supported the implementation of national reparations projects, facilitated the networking of victims' organizations in Guatemala and Nepal and supported the participation of such organizations in the peace negotiations in Colombia. In Sri Lanka, the United Nations facilitated victim participation in multi-stakeholder consultations on transitional justice mechanisms.

III. Promotion of the rule of law at the international level

32. The United Nations continues to facilitate the development and promotion of an international framework of legally binding norms and standards and mechanisms to: resolve disputes and maintain peaceful relations between States; advance accountability for international crimes; encourage humane and fair criminal justice systems; safeguard against environmental degradation; and prevent human rights violations.

A. Codification, development and promotion of an international legal framework

33. The United Nations continues to advocate greater participation in multilateral treaties. At the annual treaty event in 2016, 79 treaty-related actions were completed by 56 States. United Nations entities continue to provide guidance and programmatic support to implement treaty provisions.

34. In an effort to accelerate the entry into force of the Paris Agreement, the Secretary-General hosted a high-level event in September 2016, at which 31 States deposited their instruments of ratification or acceptance. The Agreement represents a milestone achievement in strengthening the global response to climate change. As of 30 June 2017, 152 States and the European Union had joined the Agreement.

35. With regard to treaties on the environment, during the reporting period, 22 States became parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was acceded to by two additional States, bringing the number of parties to 186. An additional State acceded to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. The Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer was adopted on 15 October 2016, with the depositing of three instruments of ratification and one instrument of acceptance. In March 2017, the Global Judicial Institute for the Environment endorsed the World Declaration on the Environmental Rule of Law, which sets out 13 principles for promoting and achieving environmental justice.

36. Three additional States became parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, bringing the total number of States parties to 86, and one State became a party to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea

of 10 December 1982, bringing the total to 150. The preparatory committee established pursuant to General Assembly resolution 69/292 continued its work towards the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

37. The International Covenant on Civil and Political Rights was ratified by one additional State, one State became a party to the Covenant's First Optional Protocol and three States became parties to its Second Optional Protocol, aiming at the abolition of the death penalty. One State became a party to the International Covenant on Economic, Social and Cultural Rights, while one State acceded to its Optional Protocol. One State ratified the International Convention on the Elimination of All Forms of Racial Discrimination, bringing the number of parties to 178. Three States became parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, bringing the total number of parties to 162, and two States became parties to its Optional Protocol.

38. Regarding more recent treaties, eight States became parties to the Convention on the Rights of Persons with Disabilities and four States became parties to the International Convention for the Protection of All Persons from Enforced Disappearance. Seven additional States are now parties to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, while one additional State became a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Two additional States became parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Three States ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with one State withdrawing a reservation it had made upon accession.

39. Three additional States ratified the United Nations Convention against Corruption, bringing the total number of parties to 181. The peer review mechanism of the Convention, established in 2009 to assess countries' anti-corruption frameworks, has produced clear results, with nearly 160 reviews of countries' laws and institutions completed to date. In terms of domestic impact, 89 per cent of States have amended or adopted legislation in response to review recommendations and 77 per cent of States acknowledged that the Mechanism had helped to identify gaps and shortcomings in their anti-corruption institutional structures.

40. Over the reporting period, treaty bodies adopted a number of general comments on relevant topics, for example, the Committee on the Rights of the Child adopted general comment No. 19 (2016) on public budgeting for the realization of children's rights and the Committee on the Rights of Persons with Disabilities adopted general comments Nos. 3 (2016) on women and girls with disabilities and 4 (2016) on the right to inclusive education.

41. One State became a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to give a total of 170 parties to date, and two States became parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, to give a total of 144 parties. Six additional States became parties to the International Convention for the Suppression of Acts of Nuclear Terrorism, one State became a party to the International Convention for the Suppression of the Financing of Terrorism, and two States became parties to the International Convention for the Suppression of Terrorist Bombings. There was one accession to the International Convention against the Recruitment, Use, Financing

and Training of Mercenaries and two accessions to the International Convention against the Taking of Hostages.

42. The Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly entered into force on 8 March 2017, with a total of seven States parties.

43. The International Law Commission recommended that a treaty be negotiated on the basis of the draft articles on the protection of persons in the event of disasters, which it had adopted in 2016. It continued to consider several other topics, including "Immunity of State officials from foreign criminal jurisdiction" and "Crimes against humanity".

44. At its fiftieth session, in 2017, the United Nations Commission on International Trade Law (UNCITRAL) adopted the Model Law on Electronic Transferable Records and the Guide to Enactment of the UNCITRAL Model Law on Secured Transactions. Action has been taken with respect to a number of treaties in the field of international trade law, including one accession to the United Nations Convention on Contracts for the International Sale of Goods, one accession to the United Nations Convention on the Use of Electronic Communications in International Contracts and two ratifications of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, which will enter into force on 18 October 2017, six months after the date of deposit of the third instrument of ratification. Furthermore, there have been four enactments of the UNCITRAL Model Law on International Commercial Arbitration, three enactments of the UNCITRAL Model Law on Electronic Commerce and two enactments of the UNCITRAL Model Law on Cross-Border Insolvency.

B. International and hybrid courts and tribunals

45. International and hybrid courts and tribunals are a central element of international relations based on the rule of law. They are essential for the peaceful settlement of international disputes and ensuring accountability for international crimes where these cannot be resolved or adjudicated at the national level.

International Court of Justice

46. In 2016, the International Court of Justice celebrated its seventieth anniversary. The Court's decisions bring clarity and stability to bilateral relationships and ease tensions between States. Member States are urged to: consider broadening their recognition of the compulsory jurisdiction of the Court as the principal judicial organ of the United Nations; make declarations accepting the compulsory jurisdiction of the Court and consider withdrawing any reservations that they have made to such declarations, where applicable; and include compromissory clauses in any treaties and withdraw any reservations that they have made to such compromissory clauses.

47. The Court maintains a high level of judicial activity. There are currently 17 cases pending before the Court, including contentious cases and a new request for an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

International Tribunal for the Law of the Sea and arbitral tribunals and conciliation commissions established pursuant to the United Nations Convention on the Law of the Sea

48. In 2016, on the occasion of its twentieth anniversary, the International Tribunal for the Law of the Sea considered two cases, namely, the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)* and *The M/V "Norstar" Case (Panama v. Italy)*. In November 2016, the Tribunal delivered a judgment finding that it had jurisdiction to adjudicate the dispute in *The M/V "Norstar" Case*.

49. During the reporting period, several arbitral proceedings concerning various maritime issues were conducted. In the compulsory conciliation proceedings initiated by Timor-Leste against Australia, the Conciliation Commission delivered its decision, finding no issues that precluded it from continuing the proceedings. In early 2017, the Conciliation Commission, Timor-Leste and Australia announced that a package of confidence-building measures had been agreed and that meetings would continue to resolve differences over maritime boundaries in the Timor Sea.

International Criminal Court and other international courts and tribunals

50. In 2016, the Governments of Burundi, the Gambia and South Africa transmitted notifications of withdrawal from the Rome Statute of the International Criminal Court. The Governments of the Gambia and South Africa subsequently rescinded their notifications of withdrawal in February and March 2017, respectively. The withdrawal of Burundi is due to come into effect on 27 October 2017, reducing the total number of States parties to the Rome Statute to 123. Argentina, Chile, the Netherlands and Portugal recently notified the Secretary-General of their consent to be bound by the amendments to the Rome Statute on the crime of aggression, bringing the total number of States that have done so to 34. According to the provisions of the Rome Statute, the International Criminal Court may start exercising jurisdiction over the crime of aggression once 30 States parties have ratified the amendments and a two-thirds majority decision to that effect is taken by the States parties after 1 January 2017.

51. In September 2016, the Prosecutor of the International Criminal Court launched a preliminary examination into the situation in Gabon, focusing on crimes allegedly committed since May 2016, including in the context of the presidential elections held in the country in August 2016. The International Criminal Court also completed the trial of Ahmad Al Faqi Al Mahdi, who was convicted of directing attacks against historical monuments and religious buildings in northern Mali in 2012. This was the first case of the Court focusing exclusively on attacks on cultural property. The Court commenced the trial of the alleged Commander of the Lord's Resistance Army Dominic Ongwen and unsealed the arrest warrant of Al-Tuhamy Mohamed Khaled, who is wanted for international crimes allegedly committed in Libya in 2011.

52. The International Criminal Court has, for the first time, awarded individual and collective reparations to victims of crimes committed in the Democratic Republic of the Congo by former militia leader, Germain Katanga. Subsequent to the conviction of former Vice-President Jean-Pierre Bemba Gombo for war crimes and crimes against humanity, including the widespread use of sexual violence, committed by troops under his command, the United Nations submitted a joint amicus curiae brief for the Court's consideration in the reparations phase of the Bemba proceedings.

53. The Organization remains committed to cooperating with the International Criminal Court and providing administrative, legal and logistical support pursuant to the provisions of the Relationship Agreement between the United Nations and the International Criminal Court.

54. In June 2016, the International Tribunal for the Former Yugoslavia delivered its appeal judgment in the case of *Stanišić and Župljanin*. The Tribunal is currently deliberating its judgments on the *Mladić* trial and the *Prlić et al.* appeal. The *Hadžić* trial was terminated following the death of the accused. The Tribunal is expected to complete its work by the end of 2017. There are no pending cases involving genocide, war crimes or crimes against humanity, however, three persons charged with contempt of the Tribunal for allegedly interfering with witnesses remain at large.

55. The branch of the International Residual Mechanism for Criminal Tribunals located in The Hague is adjudicating the *Stanišić and Simatović* case, following a retrial order, and two appeal proceedings in the *Šešelj* and *Karadžić* cases. At its Arusha branch, the Residual Mechanism is currently seized of an appeal filed by Jean Uwinkindi against the decision not to revoke the referral of his case to Rwanda and a motion for review of judgment in the *Ngirabatware* case. The Residual Mechanism is monitoring the five ongoing cases referred by the International Criminal Tribunal for Rwanda to the national courts of France and Rwanda. The Office of the Prosecutor continues its efforts to locate and arrest the remaining fugitives.

56. In November 2016, the Extraordinary Chambers in the Courts of Cambodia delivered judgment in the appeals case involving Khieu Samphan and Nuon Chea, thus concluding the case. The trial proceedings in another case concerning the same accused are continuing and investigations in other cases remain ongoing. The co-investigating judges issued a joint closing order dismissing case 004/01 in February 2017 and issued their full reasoning in July 2017.

57. The Special Tribunal for Lebanon continues with the trial in absentia of four persons accused of perpetrating the attack that killed Rafik Hariri and 21 other persons in 2005. In its second contempt case, the Tribunal sentenced the newspaper company Akhbar Beirut and related individuals, including its director, to fines, which were not appealed. The Residual Special Court for Sierra Leone addressed matters related to the detention of persons convicted by the Special Court for Sierra Leone, judicial cooperation and conditions of early release. The United Nations continues to provide technical assistance to the African Union Commission for the establishment of the Hybrid Court for South Sudan to address serious crimes committed in South Sudan since December 2013.

58. Lessons can be drawn from the experiences of these mechanisms to improve existing international mechanisms in terms of efficiency, funding sustainability and providing for residual functions. First, the model adopted by the Residual Mechanism could contribute to efficiency and reduce operational costs since judges are paid on an "as and when employed" basis. Second, the length of proceedings may have a negative impact on voluntary funding by Member States over time and should be reduced without compromising the proper administration of justice. These institutions should develop oversight and governance mechanisms to expedite the resolution of cases without jeopardizing judicial independence and the right to a fair trial. Achieving justice for victims and accountability for serious crimes is a long-term process. Although the General Assembly has recently covered some of the shortfalls in voluntary funding for tribunals through subventions, voluntary funding is not appropriate for international justice mechanisms. With respect to residual functions, plans must be put in place to preserve and continue the achievements of

these tribunals. Both the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda have now closed, having completed their mandates. The Residual Special Court for Sierra Leone and the Residual Mechanism were established mainly to: provide support and protection for victims and witnesses; manage archives; supervise the enforcement of sentences; review judgments; prosecute remaining fugitives; and support national authorities in their investigations and prosecutions. The experiences of these residual courts will be invaluable in guiding the establishment, operation and closure of existing and future tribunals.

C. Other international accountability mechanisms

59. The comprehensive documentation of alleged violations and the preservation of evidence are essential to the pursuit of accountability. In the Central African Republic, the United Nations initiated a mapping project of serious international crimes to support the Special Criminal Court. The Human Rights Council mandated a number of independent commissions of inquiry to fight against impunity, for example, in Burundi, the Democratic Republic of the Congo, Myanmar and South Sudan.

60. On 21 December 2016, the General Assembly established the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The Mechanism is mandated to collect, consolidate, preserve and analyse evidence of international crimes and human rights violations committed in the Syrian Arab Republic and to prepare files in order to facilitate independent criminal proceedings, in accordance with the standards of international law, in national, regional or international courts or tribunals that currently have or may in the future have jurisdiction over these crimes. As requested by the General Assembly, arrangements necessary to establish the Mechanism were made, including appointing a head and establishing a start-up team composed of experienced United Nations personnel with the relevant skills and expertise to swiftly carry out the administrative steps needed for its establishment.

D. Legal and judicial responses to issues of serious global concern

61. Challenges to peace and security call for a strengthening of the international legal order. National and international justice systems are continuing to grapple with a number of major global concerns, as outlined below.

Climate change

62. While the entry into force of the Paris Agreement in November 2016 represented a milestone in the global commitment to tackling climate change and established binding procedural obligations on States parties, the corresponding international legal framework is still at a relatively incipient stage. Member States such as Chile and Costa Rica have responded quickly by taking significant steps towards the development of legislation relating to climate change. Peru has begun a legal analysis with a view to developing a measurement, reporting and verification system to account for mitigation actions in the private sector.

Displacement and migration

63. The scale and complexity of contemporary trends in displacement and migration have presented unprecedented challenges. In September 2016, the General Assembly adopted a set of commitments known as the New York Declaration for Refugees and Migrants, which reaffirms the importance of the international legal framework and reiterates the commitment by Member States to protect people on the move, including the obligation to rescue people in distress at sea.

64. Despite the existence of a strong international legal framework and standards on the rights of migrants, operationalizing those standards remains a challenge. Through the Global Migration Group, the United Nations has been developing the principles and guidelines on the human rights protection of migrants in vulnerable situations. Member States that have recently received large numbers of refugees and migrants, including Germany and Italy, have initiated legislation to protect unaccompanied children and those at high risk of abuse, such as women and girls. The current patterns of increased displacement and migration require robust judicial and legal national and international responses.

Trafficking and illicit flows of people

65. With the unanimous adoption of Security Council resolution 2331 (2016), the first on trafficking in persons in conflict situations, the international community approached this issue from the perspective of its impact on international peace and security, as, for example, trafficking in persons in conflict areas has been used to finance the activities of terrorist groups.

66. In their response to trafficking in persons, including for the purposes of sexual and other forms of exploitation by Islamic State in Iraq and the Levant, Boko Haram, Al-Shabaab and the Lord's Resistance Army, Member States have advanced the application of international norms and standards, including strengthening capacities, research and responses in connection with trafficking in persons and the smuggling of migrants during the reporting period. Going forward, judicial responses in preventing and countering these crimes and providing reparation measures for the victims will be equally essential.

Preventing terrorism and violent extremism

67. Security Council resolution 2322 (2016) on judicial and law enforcement cooperation underlines the importance of sharing information across borders so as to strengthen the capacity of national justice systems to effectively investigate and prosecute acts of terrorism with full respect for the rule of law and human rights. In Mali, the Government established a specialized unit to investigate and prosecute terrorism-related crimes and the United Nations Counter-Terrorism Implementation Task Force has developed a plan to address the justice and human rights components of terrorist threats, including the prosecution, rehabilitation and reintegration of foreign terrorist fighters. The plan has leveraged the expertise and the different responsibilities of United Nations entities.

68. The newly established United Nations Office of Counter-Terrorism aims to enhance the internal coordination, coherence and impact of existing entities' efforts to improve support to Member States in their implementation of the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 70/291). The Office will ensure that the Strategy is implemented in a balanced manner across its four pillars, which includes a pillar on prevention to address conditions conducive to acts of terrorism and violent extremism and a cross-cutting pillar on the protection of human rights and the rule of law. In support of this effort, Member

States are urged to intensify efforts to conclude the draft comprehensive convention on international terrorism.

Transnational organized crime

69. Increasingly sophisticated networks of transnational organized crime are a threat to peace and security, undermine development and reverse gains made in relation to the rule of law. The United Nations is supporting States in the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols, as well as the three international drug control conventions. United Nations entities provided legal advice to approximately 90 countries to promote the ratification and implementation of the Convention and training courses for law enforcement and judicial officials. However, increased international and regional cooperation is necessary in judicial responses aiming at preventing and countering transnational organized crime.

70. In November 2016, with the support of the Office of the Special Envoy of the Secretary-General for the Great Lakes Region, the International Conference on the Great Lakes Region launched the Great Lakes Judicial Cooperation Network for prosecutors in the region to strengthen cooperation on extradition and mutual legal assistance, including in relation to terrorism and the illegal exploitation of natural resources.

E. Strengthening the administration of justice within the Organization

71. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 30 June 2017, the United Nations Dispute Tribunal had issued 1,469 judgments and the United Nations Appeals Tribunal had issued 746.

IV. Making United Nations rule of law assistance more effective and coherent

72. The United Nations has taken an increasingly adaptable approach to rule of law assistance that recognizes the wide range of systems and solutions that can be used to advance the rule of law and the challenges, opportunities and priorities in different contexts. In Somalia, for example, the United Nations has provided support for broad institutional and legal system reform, whereas in other countries, such as Guinea-Bissau and South Sudan, access to justice at the community level has been prioritized.

73. The United Nations is determined to strive to produce ever better outcomes. While important results have been achieved in Colombia, Timor-Leste and Tunisia, efforts must be reviewed in places where the United Nations has been present for a considerable period of time and expended resources without commensurate changes. The United Nations must reflect and adapt quickly to developments on the ground, learning from innovative initiatives such as the establishment of the Special Criminal Court in the Central African Republic or the special prosecution cells in the Democratic Republic of the Congo, which involved the national authorities in a meaningful way at all planning stages.

74. The United Nations must sharpen its strategic approach at mission start-up and in transition planning in peace operations in order to improve delivery on rule of law support. Improvements have been made in recent years, such as in managing the transition in Timor-Leste, but experience has shown that effective transitions require

the early establishment of a collaborative work culture in order to enable the gradual and efficient transfer of tasks and responsibilities upon mission drawdown. There is no standard model for United Nations system-wide joint initiatives and interoperability challenges persist. Nonetheless, the Organization should build on progress made through ongoing joint analyses and assessments, the mobilization of joint resources, pooling of expert capacities and financial management. The allocation of programmatic funding in mission budgets for rule of law assistance on a case-by-case basis is an encouraging development that will allow the United Nations to be more efficient in this area. Programmatic funding should continue to feature in peace operations budgets.

75. Support for country-level assistance has been scaled up through the Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations, led by the Department of Peacekeeping Operations and the United Nations Development Programme, together with the Office of the United Nations High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Refugees. The Global Focal Point is an innovative internal working arrangement that supports the horizontal integration of United Nations system efforts on delivery of rule of law assistance. The Global Focal Point continues to support the United Nations system in peace operations, transitions and peacebuilding settings, without deviating from entities' established mandates and reporting lines.

76. During the reporting period, the Global Focal Point reinforced the capacity of the support provided by the United Nations to States in tackling organized crime (Mali), resuming criminal justice and security functions (Central African Republic), strengthening police accountability (Haiti), countering sexual and gender-based violence (State of Palestine), improving community security, securing elections and planning police deployment strategies. The Global Focal Point identified relevant expertise to meet requests, deploying experts on justice, law enforcement, gender, corrections, planning and programming to countries including Burkina Faso, Sierra Leone, Sri Lanka and the State of Palestine. The Global Focal Point continues to reinforce a culture of joint planning and programming, resource mobilization, knowledge-sharing and best practices across the three pillars of the Organization. The support provided through the Global Focal Point in Haiti, Liberia and the Sudan (Darfur) demonstrated that this approach was a valuable tool for smarter mission transition, resulting in the creation of joint programmes and integrated teams comprising members from the mission and from the United Nations country team, thus allowing for strengthened support while the mission scales down. The Organization will continue to strengthen its cross-pillar collaborative approach and practice.

77. Considerable progress has been made in advancing broader partnerships for rule of law assistance and, in some instances, civil society organizations have received support to provide much-needed services. Member States are encouraged to continue to work with civil society organizations as essential partners in promoting the rule of law.

78. In order to advance the work of the United Nations on the rule of law in a timely and collaborative manner, the Rule of Law Coordination and Resource Group will continue to bring together policymakers on the rule of law from a wide range of areas of work across the United Nations system. The Rule of Law Unit in the Executive Office of the Secretary-General will continue to provide coordination, guidance and secretariat services in support of the Rule of Law Coordination and Resource Group.

V. Moving forward: effectiveness, coherence and sustainability

79. A number of reform streams have recently been initiated in the areas of development, peace and security, management and counter-terrorism to improve the way the United Nations works and to eliminate fragmented responses. Within these reforms, it is timely to reflect on the effectiveness of the rule of law assistance provided, and in particular, the ways in which its effectiveness, sustainability and coherence can be strengthened across the three pillars of the Organization. The United Nations welcomes a frank and open dialogue with Member States and their active and constructive contributions to collectively improve rule of law assistance.

80. The 2030 Agenda, which encompasses important aspects of the rule of law, cutting across all 17 Sustainable Development Goals, is the Organization's most ambitious global project. The Organization can and must do more to support the implementation of the rule of law elements of this universal agenda. The rule of law has a clear impact, for example, on eliminating poverty, reducing inequalities, supporting gender equality, protecting the environment and creating just, inclusive and strong institutions. The United Nations must mobilize all means at its disposal and foster external partnerships to strengthen its support to Member States in the implementation of the 2030 Agenda, including the aspects relating to the rule of law. Member States are invited to provide guidance on how to strengthen partnerships and cooperation among Member States, to improve the availability of technical expertise and any other initiatives to enhance the support provided by the United Nations in this area.

81. When United Nations peace operations have been given concrete mandates pertaining to the rule of law, the Organization has helped to strengthen national capacities. In order to improve capacity to deliver on such mandates, the following areas should be considered for further reflection:

(a) What steps can be taken to ensure that the components of peace operations relating to the rule of law are organized to support the implementation of the political objectives of the mission, better define focus areas and establish clear benchmarks, with a view to facilitating the regular measurement of progress?

(b) What improvements can be made in planning for periods of transition, for example, the transfer of responsibilities from United Nations peace operations to host Governments and/or to United Nations country teams at an appropriate time before mission drawdown, including through regular coordination and the identification of shared objectives?

(c) What steps can be taken to ensure that rule of law assistance is sufficiently resourced at United Nations peace operations in order to deliver results, including through results-based planning, the flexible use of mission budgets and closer linkages with programmatic entities of the United Nations country team?

(d) How can police and civilian components be better integrated, in particular with respect to capacity-building, as mentioned by the previous Secretary-General in his report on United Nations policing (S/2016/952); and how can United Nations police be better supported to fulfil requests for assistance from Member States outside mission situations?

82. While recognizing that accountability for international crimes is the responsibility of Member States, international mechanisms remain relevant and important when domestic courts are unable or unwilling to investigate and prosecute. These mechanisms are playing an important role in upholding human rights and the rule of law. In order to improve the efficiency and sustainability of international accountability mechanisms, Member States are invited to engage in a

dialogue with a view to identifying ways of improving the cost-efficiency, financial sustainability, operations, residual functions, accountability and public perceptions of such mechanisms. Cooperation with the International Criminal Court is of vital importance and all States that have not done so are encouraged to consider becoming parties to the Rome Statute.

83. Considerable progress has been made in recent years to enhance the impact of United Nations rule of law assistance to Member States at the national level, including through the Global Focal Point, an arrangement that will continue to be supported and strengthened. However, regular coordination of United Nations entities on the ground and greater accountability for the impact of United Nations rule of law assistance are still needed. More thorough evaluations of the impact of that assistance must be conducted, including by providing guidance to special representatives of the Secretary-General and United Nations resident coordinators, building stronger capacities and business processes for the provision of Headquarters support to entities at the country level and developing harmonized tools for better monitoring and evaluating the performance of United Nations entities. In view of the reform processes that have been initiated, other options should be taken into consideration, including proposals on sustainable funding and improving the coordination and impact of United Nations assistance.

84. In recent years, the rapidly evolving nature of terrorism, corruption, cybercrime and other forms of organized crime have presented challenges to the investigation and prosecution capacities of national justice institutions. With the establishment of the new Office of Counter-Terrorism, the Organization is committed to tackling threats of terrorism, particularly across borders. While the United Nations has already made significant progress in this field, the Organization needs to increase its assistance in order to meet the expectations of Member States. Member States are invited to consider ways of strengthening the support provided by the United Nations in these areas.

85. Finally, it is worth reiterating the important role that partnerships can play in advancing cooperation and improving results. There is a need for Member States to build consensus and work in solidarity to address the most pressing priorities outlined in the present report, within and across State boundaries. Member States are encouraged to identify how to make progress in building partnerships for rule of law assistance, in particular on South-South cooperation, engagement with international financial institutions and the role of regional organizations, including the African Union, the European Union, the Organization for Security and Cooperation in Europe, the Commonwealth Secretariat and the Association of Southeast Asian Nations.

Annex

Ways and means to further disseminate international law to strengthen the rule of law

1. The United Nations, through the Office of Legal Affairs and its specialized divisions, is responsible for the dissemination of international law to strengthen the rule of law.

2. In particular, it is responsible for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established by the General Assembly in 1965, to contribute towards a better knowledge of international law so as to strengthen international peace and security and promote cooperation among States.[1]

3. The United Nations maintains an electronic treaty database, providing online access to information on all treaties registered with the Secretariat. It disseminates information on treaty law and practice through legal publications and the organization of capacity-building seminars both at Headquarters and at the regional level in collaboration with national governments.

4. The dissemination of international commercial law is achieved through coordinating the work of organizations to promote: (a) cooperation and coherence in the modernization and harmonization of international commercial law; (b) wider participation in existing international conventions through technical assistance activities; (c) a uniform interpretation and application of international conventions and uniform laws primarily through judicial training; and (d) collecting and disseminating information on national legislation and modern legal developments through the website of the United Nations Commission on International Trade Law (UNCITRAL). The Commission liaises with United Nations organs and specialized agencies and other governmental and non-governmental organizations concerned with international trade, and invites them to its sessions. In 2016, UNCITRAL endorsed a guidance note on strengthening United Nations support to States, upon their request, to implement sound commercial law reforms, which will be circulated widely.

5. Information on international law of the sea, in particular on intergovernmental processes on issues relating to the law of the sea, is disseminated through United Nations electronic resources. The United Nations publishes bulletins on relevant legal material, such as national legislation, bilateral agreements and multilateral treaties and the decisions of international dispute and arbitration bodies. The United Nations-Nippon Foundation of Japan Fellowship Programme and the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea have awarded 11 fellowships to individuals from developing countries working on ocean affairs and the law of the sea. The United Nations organized its second training course on promoting marine scientific research with the participation of government officials and scientists from the Caribbean region. In addition to legal and scientific modules delivered in collaboration with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, representatives from regional organizations, including the Organisation of Eastern Caribbean States, presented existing regional instruments on the promotion and conduct of marine scientific research in the Caribbean region. Additional dissemination activities, including side events and briefings, were held during the reporting period.

[1] See http://legal.un.org/poa/.

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New Partnership for Africa's Development: progress in implementation and international support

Causes of conflict and the promotion of durable peace and sustainable development in Africa

Report of the Secretary-General

Summary

In the present report, submitted pursuant to General Assembly resolution 71/315, progress made since the submission of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/65/152-S/2010/526) is reviewed.

The present report covers the period from July 2016 to June 2017 and highlights major developments regarding peace and security and its interlinkage with sustainable development in Africa. Progress made by the United Nations system in implementing key priority areas identified in the review report is examined, as well as the support the Organization has been providing in the implementation of peace and security priorities contained in the 2030 Agenda for Sustainable Development and Agenda 2063 of the African Union.

Consistent with the mandate of resolution 71/315 to develop policy proposals on persistent and emerging challenges confronting Africa, the role of regional organizations and their regional and international partners in sustaining peace in Africa, including the United Nations, as reflected in the Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security, signed in April 2017, is discussed in the present report. The importance of conflict prevention and the critical need to address the root causes of conflict in order to achieve sustainable peace are also highlighted. It is recommended, among other things, that the international community, including the United Nations, further strengthen political, substantive, institutional and financial cooperation with African regional and subregional organizations as first responders to conflicts on the African continent in their quest to sustain peace.

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I. Introduction

1. In 1998, following a request from the Security Council (S/PRST/1997/46), the Secretary-General undertook a comprehensive analysis of the causes of conflict and the promotion of durable peace and sustainable development in Africa. In the subsequent report, he proposed specific measures to prevent, mitigate and reduce conflict, achieve peace and promote sustainable development on the African continent (see A/52/871-S/1998/318).

2. In its resolution 63/304, the General Assembly requested the Secretary-General to submit a report reviewing the status of implementation of the recommendations contained in the 1998 report. Following broad-based consultations coordinated by the Office of the Special Adviser on Africa, including with the United Nations system through the Interdepartmental Task Force on African Affairs, the Secretary-General submitted to the Assembly a review report (A/65/152-S/2010/526) outlining progress, recommendations and proposals for a renewed engagement with Africa.

3. In that report, it was highlighted that the United Nations system must establish the appropriate partnerships to enhance the capacity of African regional organizations as leading actors in the areas of peace and development on the continent. The African Union, in the solemn declaration adopted in 2013 on the occasion of its fiftieth anniversary, pledged not to bequeath the burden of conflicts to the next generation of Africans, and has been implementing the African Peace and Security Architecture. Furthermore, the concept of sustaining peace, including conflict prevention and post-conflict recovery, introduced in the report of the Advisory Group of Experts on the Review of the Peacebuilding Architecture (A/69/968-S/2015/490), confirms the interdependence of durable peace and sustainable development and the importance of promoting both sustaining peace and the 2030 Agenda for Sustainable Development.

4. Against that background, the present report, prepared in consultation with the Interdepartmental Task Force on African Affairs, chaired by the Office of the Special Adviser on Africa, provides an update on major peace and security developments in Africa (section II) and takes stock of key actions and initiatives undertaken by the United Nations from July 2016 to June 2017 to implement the recommendations of the review report (section III). The role of regional and subregional organizations in sustaining peace in Africa (section IV), as well as recommendations to enhance their role and their partnership with the international community, including the United Nations (section V), are also discussed in the present report.

II. Year in review

5. During the reporting period, Africa continued to make strong strides towards development, prosperity and peace. In line with the fourth aspiration of Agenda 2063, "a peaceful and secure Africa", the African Union made the ground-breaking decision in July 2016 to institute and implement a levy of 0.2 per cent on eligible goods imported into Africa. The levy is intended to endow the Peace Fund of the African Union with an estimated $400 million by 2020 with the aim of, among other things, providing reliable and predictable funding for peace and security and securing an equitable and predictable source of financing for the African Union, thus contributing to the establishment of the financial autonomy of the African Peace and Security Architecture. The decision was welcomed by the Security Council in its resolution 2320 (2016). The African Union, under the leadership of

the President of Rwanda, Paul Kagame, also initiated an institutional reform process to transform the organization into a self-reliant continental body by 2018.

6. Member States of the African Union have devoted the year 2017 to harnessing the demographic dividend through investments in youth. In line with Security Council resolution 2250 (2015) on youth, peace and security, in which the Council stressed the importance of creating policies on the engagement and participation of youth in political and peace processes, the African Union produced a road map in which it highlighted the need to invest in inclusive, representative and participatory political processes, under the pillar of rights, governance and youth empowerment. In January 2017, the African Union also endorsed a "master road map of practical steps to silence the guns in Africa by the year 2020", which provides practical guidance to African countries, regional organizations and other partners in their efforts to promote peace and security on the continent.

7. With regard to governance, the African Peer Review Mechanism continued its revitalization process. In August 2016, various decisions and recommendations strengthening the human, financial and institutional capacity of the Mechanism were adopted at the African Peer Review Forum. Furthermore, in January 2017, African Union leaders expanded the mandate of the Mechanism in its monitoring and evaluation role for both the 2030 Agenda and Agenda 2063.

8. Overall, African countries achieved further economic growth, while at the same time addressing the root causes of conflicts, preventing and managing them, and in so doing, fighting against violent extremism and terrorism. Key economic achievements are outlined in the report of the Secretary-General on the New Partnership for Africa's Development (NEPAD) (A/72/223).

9. During the reporting period, seven presidential elections held in Africa saw the re-election of the Head of State in Cabo Verde, Gabon and Zambia and the transfer of power to another President in the Gambia, Ghana, Sao Tome and Principe and Somalia. Most of the presidential elections were conducted in an inclusive, transparent and peaceful manner, whereas a few other election results still posed challenges, adversely affecting political stability and socioeconomic development.

10. In the Gambia, the outgoing President rejected the results of the presidential election of December 2016, which increased political tensions in the country. In subsequent weeks, the Economic Community of West African States (ECOWAS), the African Union and the international community, including the United Nations, undertook intensive negotiations leading to acceptance by the President to leave the country in January 2017, averting a military intervention by ECOWAS. The Special Representative of the Secretary-General for West Africa and the Sahel engaged with all stakeholders concerned to help to resolve the crisis in the Gambia peacefully.

11. In Gabon, tensions remained high between the Government and opposition following the contested presidential election of August 2016. A Government-led national dialogue was launched amid a lingering crisis. Concerns raised by the opposition on the outcome of the dialogue further complicated reconciliation efforts and increased the risk of further violence. The United Nations Regional Office for Central Africa (UNOCA) remained actively engaged throughout the electoral crisis.

12. In the Central African Republic, progress in the political and security situation had mixed results. The Government has sought to drive reforms, re-establish key institutions and advance the dialogue process with all armed groups. The international community continued to provide critical support to the Government, including in the form of the African Initiative for Peace and Reconciliation, led by the African Union with support from the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes Region, the

Congo, Chad and Angola. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic also acted robustly to deter violence, protect civilians, support democratic institutions and foster political dialogue. The Mission will, through the Special Representative of the Secretary-General for the Central African Republic and Head of the Mission, continue to support national authorities in fostering peace and security, while UNOCA will advocate for constructive engagement to end the crisis at the subregional level.

13. In the Democratic Republic of the Congo, political tensions rose as the second term of the President ended in December 2016. An interim solution was provided through a political agreement under the auspices of the Episcopal Conference of the Democratic Republic of the Congo in December 2016. The implementation of the agreement, however, has encountered numerous setbacks as a result of insufficient delivery on commitments and weaknesses in the organization of some political opposition actors. For instance, circumstances surrounding the signing of a special arrangement for the implementation of the agreement, the designation of a new Prime Minister and the formation of a new Government of national unity were denounced by parts of the opposition and increased political uncertainty. Meanwhile, armed groups in eastern Democratic Republic of the Congo and militias in the Kasai regions continued to spread violence. The killing of two United Nations experts who had been conducting a Security Council-mandated investigation is now under investigation, while the Human Rights Council has established a commission of inquiry to look into broader allegations of violence. The Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Special Envoy of the Secretary-General for the Great Lakes region remained fully engaged in supporting efforts to foster peace, security and development.

14. Somalia completed the transition to a bicameral federal parliament in which almost 25 per cent of the parliamentarians are women. Eighteen per cent of the parliamentarians are under the age of 35, while around half of those elected are new members. The parliament elected a new Federal President in February 2017. The seamless transition of power and swift formation of a new Government renewed momentum in advancing peacebuilding priorities. In March 2017, the Secretary-General visited Mogadishu and Baidoa in his first official field visit. He expressed his solidarity with the Somali people and praised their efforts towards the successful organization of presidential elections, despite the famine crisis caused by drought to which the Government had to respond with the assistance of United Nations system agencies and non-governmental organizations.

15. On the security front, the African Union Mission in Somalia (AMISOM) continued its fight against Al-Shabaab. As AMISOM reaches the tenth anniversary of its deployment in 2017, the building of Somali security institutions has become an urgent priority. In the past few months, consensus has emerged on a conditions-based transition from AMISOM to Somali security forces to allow for the establishment of a capable security sector.

16. There had been minimal progress towards implementing the Agreement on the Resolution of the Conflict in the Republic of South Sudan. In December 2016, the President of South Sudan announced the launch of a national dialogue initiative as a top priority for 2017. In view of continuing military offensives against opposition strongholds throughout the year, the announcement was received with considerable scepticism by opposition parties, civil society and faith-based organizations and still lacks credibility even after the swearing-in of an enlarged steering committee in May 2017.

17. The United Nations Mission in South Sudan continued to try to enhance the protection of civilians while facing considerable obstruction from government forces in conducting its operations. Although the alert of risk of famine in some areas has been lifted, 7.8 million people in South Sudan remain in need of humanitarian assistance. Military offensives and high levels of food insecurity have displaced more than 3.8 million people, making it the world's fastest-growing refugee crisis. The African Union High Representative for South Sudan and representatives of the Intergovernmental Authority on Development (IGAD) continue to be supported by the United Nations to promote a national dialogue and implement the peace agreement.

18. There was little progress during the reporting period with regard to efforts to improve and address outstanding post-secession issues between the Sudan and South Sudan. Progress has been lacking, in particular in the implementation of nine agreements signed between the two Governments on 27 September 2012. Despite continued engagement by the African Union High-level Implementation Panel, supported by the United Nations, no major progress has been achieved on temporary arrangements in the Abyei area or its final status.

19. Darfur has seen a considerable reduction in fighting between government forces and armed groups not party to a peace agreement. However, violent intercommunal disputes and widespread crime involving armed militias continue to generate insecurity and prolong large-scale displacement. The existing peace agreement has not been implemented fully, and negotiations with the non-signatories have stalled. The reconfiguration of the African Union-United Nations Hybrid Operation in Darfur is under way to reduce its footprint and focus on the protection of civilians and stabilization efforts.

20. In Guinea-Bissau, the United Nations Integrated Peacebuilding Office and other international partners supported the ECOWAS-led mediation, which brokered a six-point road map, agreed on 10 September 2016, and the Conakry Agreement of 14 October 2016. ECOWAS prepared a viable way out of the crisis, but national actors have yet to take concrete steps towards the appointment of a consensual Prime Minister and the formation of an inclusive government. In June 2017, at a summit held in Monrovia, ECOWAS Heads of State and Government gave the parties to the conflict a further three months to break the political deadlock and extended the mandate of the ECOWAS security mission in Guinea-Bissau until the end of September 2017.

21. In Burundi, two years since the crisis began, the impasse has further deepened and the political space has narrowed. Despite some improvements in the security situation, killings, disappearances, arbitrary detentions, forced abductions and paramilitary activities of the Imbonerakure, the youth wing of the ruling party, are reportedly continuing under the current Government and its security forces. As a result, the economic development and humanitarian situations have severely deteriorated and a steady stream of refugees have fled to countries in the region. In that context, a United Nations police component mandated by the Security Council will be deployed. Meanwhile, regional efforts under the auspices of the East African Community continue to promote inclusive political dialogue.

22. Terrorism and violent extremism remains a major peace and security threat in Africa. Civilian populations, including women and children, and security forces in countries of the Lake Chad Basin (Cameroon, Chad, the Niger and Nigeria), Burkina Faso and Mali continue to be the target of terrorist attacks. In the most-affected areas, particularly in north-east Nigeria, more than 2.5 million people have become internally displaced persons, refugees or returnees.

23. The Multinational Joint Task Force, established by members of the Lake Chad Basin Commission and Benin, made tremendous efforts in dislodging Boko Haram from its previous strongholds. In February 2017, a renewed support implementation agreement and a memorandum of understanding between the African Union Commission and Task Force troop-contributing countries were signed with the support of the United Nations Office to the African Union. A similar regional initiative by Burkina Faso, Chad, Mali, Mauritania and the Niger in deploying a joint force for the States of the Group of Five for the Sahel, which aims to address violent extremism and transnational organized crime in the Sahel, was authorized by the Security Council in its resolution 2359 (2017). Serious human rights concerns continue to be reported in the context of the fight against Boko Haram, including executions and arbitrary detentions; those concerns will need to be urgently addressed by the Member States concerned.

24. In Libya, the situation remains tense and the transition process has not been fully implemented as parallel institutions continue to exist. The loss of control by the central governing institutions led to numerous non-State extremist groups gaining de facto control over some areas, which translated into increased illicit trafficking activities. The United Nations Support Mission in Libya continues to implement its mandate linked to the implementation of the Libyan Political Agreement.

25. In Mali, there were some positive developments, with the implementation of the peace agreement, including the establishment of interim authorities in each of the five northern regions, the holding of a conference for national harmony and the launch of a constitutional review process. However, key institutional and political reforms specified in the peace agreement remain pending. Persistent delays in its implementation have hampered the redeployment of the Malian defence and security forces and the re-establishment of State authority in the north and centre of the country. Against that background, insecurity continues to spread into central and southern Mali as well as at its borders.

Enhanced focus on the nexus between peace and development

26. In January 2017, at the high-level dialogue convened by the President of the General Assembly on the theme "Building sustainable peace for all: synergies between the 2030 Agenda for Sustainable Development and sustaining peace", mutually reinforcing linkages between the 2030 Agenda for Sustainable Development and sustaining peace were discussed. The 2030 Agenda and Agenda 2063 both underline the importance of the nexus between peace and development and promote a comprehensive approach to advance sustainable development and achieve durable peace.

27. On 19 April 2017, the Secretary-General convened the first United Nations-African Union annual conference at United Nations Headquarters with the Chairperson of the African Union Commission. During the Conference, the need to promote synergies and complementarity between the 2030 Agenda and Agenda 2063 and the fact that both agendas take a holistic and integrated approach to the important nexus between peace and development and to good governance was agreed on.

28. To enhance the peace and development nexus at the intergovernmental level, in June 2017 the Department of Economic and Social Affairs of the Secretariat and the Peacebuilding Support Office organized a joint meeting of the Economic and Social Council and the Peacebuilding Commission on the situation in the Sahel. Participants in the meeting stressed the need to avoid a disproportionate emphasis

on security and to address the root causes of conflict that pertain to the social, economic and environmental areas.

III. Implementation of the recommendations contained in the review report

29. The present section highlights recent initiatives and actions undertaken by the United Nations system to implement recommendations contained in the comprehensive review report (A/65/152-S/2010/526).

A. Institutional cooperation

30. In December 2016, the General Assembly adopted resolution 71/254 on the Framework for a Renewed United Nations-African Union Partnership on Africa's Integration and Development Agenda 2017-2027. The partnership provides an overall platform for United Nations-African Union cooperation through the Regional Coordination Mechanism for Africa, which will enable the United Nations system to deliver comprehensive programmes of support to the African Union and regional economic communities with the effective, coherent and coordinated implementation of Agenda 2063 and the 2030 Agenda.

31. During the first United Nations-African Union annual conference, the Secretary-General and the Chairperson of the African Union Commission signed the Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security. The Framework is aimed at strengthening cooperation between the United Nations and the African Union through a more strategic, systematic and predictable partnership based on their respective comparative advantages and complementarity in peace and security, and at increasing coordination and operational synergies in addressing security challenges in Africa throughout the conflict cycle.

32. In October 2016, the Office of the Special Adviser on Africa co-organized with the Economic Commission for Africa and the Department of Public Information the 2016 Africa Week, on the theme "Strengthening partnerships for inclusive sustainable development, good governance, and peace and stability". The week-long high-level events were organized in collaboration with the African Union, the NEPAD Planning and Coordination Agency, the African Peer Review Mechanism, regional economic communities and members of the Interdepartmental Task Force on African Affairs. The week provided an effective and inclusive global platform for fostering sustainable development in Africa through strengthened partnerships.

B. Conflict prevention, peacekeeping and conflict management

33. On the basis of their respective mandates, entities of the United Nations system continued to provide support in addressing conflict in Africa. To re-establish intercommunal dialogue around land use, the Food and Agriculture Organization of the United Nations (FAO) established a community-based animal health service in the disputed Abyei Administrative Area between the Sudan and South Sudan. This livelihoods project was focused on promoting social stability among the Ngok Dinka and Misseriya communities. It is being expanded to other border areas of South Sudan and its neighbouring countries.

34. A new joint programme on gender, natural resources and peacebuilding has been established by the United Nations Environment Programme, the United

Nations Development Programme, the Peacebuilding Support Office and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The initial pilot project has begun in North Kordofan. The Global Acceleration Instrument for Women, Peace and Security and Humanitarian Action of UN-Women mobilized $6.7 million in its first year. In Burundi, women mediators, supported by the Instrument, remained a powerful force for conflict resolution, with over 600,000 people participating in local-level dialogues.

35. With regard to conflict prevention related to resource management, an African intergovernmental initiative on sustainability, stability and security, launched at the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Marrakech, Morocco, in November 2016, is aimed at, among other things, preventing the emerging threats on natural resource depletion and mismanagement. The secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, acts as the secretariat of the task force for the initiative.

36. With regard to prevention aspects related to child protection from violence, the Special Representative of the Secretary-General for Children and Armed Conflict has developed an action plan to end and prevent child recruitment and use and to prevent sexual violence against children, signed with the Coordination des mouvements de l'Azawad in Mali, and an action plan to end and prevent child recruitment and use in the Sudan, signed with the Sudan People's Liberation Movement-North.

C. Post-conflict peacebuilding and recovery

37. The United Nations system provided focused policy and project support to assist African countries with post-conflict recovery. In Mali, the United Nations Children's Fund (UNICEF) supported an "education for peace" project involving 355 schoolchildren in Timbuktu. A total of 495 other children were trained as "back-to-school ambassadors" to sensitize their own community through interpersonal communication and discussions around peace and social cohesion. Through community dialogues and radio programmes aimed at providing youth with the right tools to promote peace and understanding, the children contributed to disseminating their knowledge and influencing 325,000 parents on the importance of peace, cohesion and stability. The International Labour Organization promoted decent work as a tool for peacebuilding and resilience in Africa through the Labour Market Statistics and Analysis Academy, organized from 24 October to 4 November 2016 in Côte d'Ivoire.

38. The United Nations Conference on Trade and Development (UNCTAD), in the *Economic Development in Africa Report 2017*, highlights that tourism has the potential to reduce the risk of conflicts, enhance peace through employment creation and promote socioeconomic development. The United Nations University-Maastricht Economic and Social Research Institute on Innovation and Technology assessed the unconditional cash-based assistance programme in eastern Democratic Republic of the Congo and ascertained the programme's positive influence on household investments in livestock, increased school enrolment and improved resilience.

D. Sustained economic growth and sustainable development

39. To promote Africa's socioeconomic development and resilience to address the root causes of conflict, the United Nations system continued to provide a wide range of support. The Office of the Special Adviser on Africa and UNCTAD co-organized a high-level meeting on tourism and sustainable development in Africa in collaboration with the World Tourism Organization in July 2016. The meeting provided a unique platform for stakeholders in the tourism sector to discuss their contributions to Africa's achievement of the Sustainable Development Goals. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States provided global platforms for knowledge-sharing on the implementation of the Programme of Action for the Least Developed Countries for the Decade 2011-2020 (Istanbul Programme of Action) in Africa by organizing meetings on sustainable energy in Dar es Salaam, United Republic of Tanzania, in December 2016 and on broadband connectivity in Dakar in February 2017.

40. The Department of Economic and Social Affairs of the Secretariat provided advisory services to Guinea to develop e-governance in the country's sustainable development strategies and to bolster institutional and human resources to achieve the Sustainable Development Goals. In South Sudan, the United Nations Industrial Development Organization, in cooperation with Canada, implemented an $11 million project supporting fishing communities and industries, aimed at improving food security, creating jobs and sustaining the fisheries sector. The International Fund for Agricultural Development has been collaborating with NEPAD under the Initiative for Food and Nutrition Security in Africa to support the delivery of effective multisectoral nutrition interventions by Governments.

E. Human rights and humanitarian affairs

41. Following decisions made at the World Humanitarian Summit, the United Nations country team in Nigeria, led by the Office for the Coordination of Humanitarian Affairs, developed a joint vision and a "critical path" towards a coordinated platform for the delivery of humanitarian and development assistance in the north-eastern area of the country, transcending the humanitarian-development divide in line with the new way of working.

42. The Office of the United Nations High Commissioner for Human Rights is providing technical, financial and human resources support to, among other things, the development of the 10-year action plan of the African decade of human rights (2016-2026) that will be submitted for adoption at the African Union summit in January 2018. The action plan is a continental action-oriented blueprint to advance the human rights agenda. Support and collaboration is also ongoing between the United Nations and the African Union with regard to the implementation of the United Nations human rights due diligence policy in joint action by the two organizations.

F. Governance, rule of law and the administration of justice

43. On the margins of the sixth Tokyo International Conference on African Development Summit, the Office of the Special Adviser on Africa, together with the Government of Kenya, the African Union and the African Peer Review Mechanism secretariat, convened a high-level event on support by the Tokyo International Conference for good governance in Africa. The event advocated for the Conference

process to provide technological and financial support to the Mechanism and for the operationalization of the proposed African human security index, as outlined in Agenda 2063.

44. The United Nations Multidimensional Integrated Stabilization Mission in Mali and UN-Women provided support to State authorities in Mali to restore the rule of law, improve women's access to justice and fight impunity. They also supported the Truth, Justice and Reconciliation Commission in Mali on gender and transitional justice. The International Maritime Organization is working with the Federal Government of Somalia and Somali regional authorities to re-establish a maritime administration, including the updating of the country's maritime code and associated legal and organizational frameworks.

G. Women's empowerment and gender equality in peace and security

45. FAO continued to work on issues related to food security and agriculture, which include gender equality, women's empowerment and protection from gender-based violence. For example, FAO-Dimitra Clubs, which represent a signature gender-sensitive approach for community-based participatory development, are deployed across hundreds of rural communities in African countries.

46. The Office of the United Nations High Commissioner for Human Rights has been supporting the Special Rapporteur on the rights of women in Africa of the African Commission on Human and Peoples' Rights, as well as many initiatives on gender equality and women's rights with the African Union Commission, in areas such as gender and countering violent extremism and child, early and forced marriage. The Office is also promoting the development of standard manuals on human rights monitoring and incorporating human rights and gender perspectives in the African Union election observation manual.

H. Security sector reform and disarmament, demobilization and reintegration

47. The United Nations Office to the African Union and the World Bank supported the African Union in developing a programme proposal that gives strategic guidance as it moves into the second phase of its disarmament, demobilization and reintegration programme (2017-2019). The proposals include the provision of operational support to disarmament, demobilization and reintegration interventions, the solidification of collaboration between the African Union, the United Nations and the World Bank on the disarmament, demobilization and reintegration programme, and the identification of strategic priority areas.

48. UNICEF supported the release of a total of 7,590 children associated with armed forces and groups through official disarmament, demobilization and reintegration programmes in the Central African Republic and the Democratic Republic of the Congo in 2016. Around 12,600 other children associated with or suspected of association with armed forces and groups were released in the Central African Republic, the Democratic Republic of the Congo, the Lake Chad Basin countries and Mali.

I. Combating the proliferation of illicit small arms and light weapons and transnational organized crime

49. The Office for Disarmament Affairs is contributing to the implementation of the United Nations integrated strategy for the Sahel through a three-year capacity-building project to combat illicit trafficking in small arms and light weapons. Additionally, within the context of the Counter-Terrorism Implementation Task Force, the Office is providing training on small arms control to Lake Chad Basin countries to prevent the diversion of weapons to non-State armed groups.

J. Countering terrorism and violent extremism

50. Facing growing threats posed by terrorism and violent extremism, the United Nations system provided reinforced support to Africa. The Office of Counter-Terrorism is providing assistance through projects to promote a strategic approach to capacity-building in the areas of border security and mitigating the foreign terrorist fighter phenomenon and kidnapping for ransom, among others. Support is also being provided to Eastern, Central and Southern Africa to develop and implement regional strategies in countering terrorism and violent extremism.

51. The United Nations Office on Drugs and Crime continued to promote the ratification and implementation of 19 international legal instruments on preventing and combating terrorism. It also delivered technical assistance and training to several countries of the Maghreb on counter-terrorism legislation and international cooperation on criminal matters.

IV. Persistent and emerging challenges confronting Africa: the role of regional and subregional organizations in sustaining peace

52. Pursuant to General Assembly resolution 71/315, the present section highlights persistent and emerging challenges facing Africa. As sustaining peace is one of the most pressing of these issues, the present report is focused on the role of regional and subregional organizations in achieving this goal. Since taking office early in 2017, the Secretary-General has shared his vision on prevention and sustaining peace and has been vigorously promoting and advocating for this agenda.

53. In its report, the Advisory Group of Experts on the Review of the Peacebuilding Architecture underlined the need for comprehensive approaches to conflict and stressed that sustaining peace should be treated not only as a post-conflict activity, but as a priority activity to be carried out during all stages of the conflict cycle. It also highlighted the necessity of fostering inclusive national ownership in sustaining peace and called for stronger partnerships with regional organizations. These salient points were reflected in Security Council resolution 2282 (2016) and General Assembly resolution 70/262 on the review of the United Nations peacebuilding architecture, both adopted on 27 April 2016.

54. In Chapter VIII of the Charter of the United Nations, the essential role of regional arrangements for the maintenance of international peace and security is recognized. As regional organizations are closer to conflict zones, their proximity often gives them a much deeper insight of the context and dynamics of conflicts in the region. Regional organizations would have stronger incentives to resolve conflict as it may easily spill over into neighbouring countries. While geographical

proximity may create national interests that may not have a positive impact on conflict resolution, proximity also reduces the cost of intervention.

55. In addition, the role of regional organizations in sustaining peace has become increasingly critical, especially in the face of emerging cross-border threats such as violent extremism, terrorism and transnational organized crime in the Lake Chad Basin, the Horn of Africa and the Sahel, among other areas, as well as in several post-conflict settings in African countries in which there is a relapse into conflict. Furthermore, a few fragile and complex emergencies are still bedevilling Africa and resisting all existing conflict management frameworks.

A. Sustaining peace and creating an enabling environment for peace in Africa: norms, policies and structures

56. In 2002, after the signing of its Constitutive Act, the African Union adopted the Protocol relating to the Establishment of the Peace and Security Council of the African Union, following which the African Peace and Security Architecture was established. The goal was to provide African solutions to African challenges on peace and security matters. The main pillar of the Architecture is the Peace and Security Council, supported by the Panel of the Wise, the Continental Early Warning System, the African Standby Force and the Peace Fund. The Protocol sets out various mechanisms to sustain peace, ranging from conflict prevention and management to post-conflict recovery.

57. The eight regional economic communities and two regional mechanisms for conflict prevention, management and resolution, which are the building blocks of the African Union, have become essential components to achieving peace and security in Africa. All eight regional economic communities have adopted protocols, charters, treaties and strategies to prevent conflict and sustain peace. For example, the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of ECOWAS, adopted in 1999, complemented by the Supplementary Protocol on Democracy and Good Governance of 2001 and the ECOWAS Conflict Prevention Framework of 2008, is arguably the most comprehensive protocol of a regional economic community relating to peace and security. ECOWAS has also established relevant institutions and programmes to sustain peace.

58. The implementation of the 2030 Agenda for Sustainable Development and Agenda 2063 will help to address the root causes of conflict, including by promoting equality, justice and good governance, fostering economic growth, providing access to education and health services and equal opportunities, building just and inclusive societies, empowering women and youth as agents of peace, and leaving no one behind. In this respect, as implementing agents for Agenda 2063, the regional economic communities play key roles in setting policies at the subregional level, including by aligning their strategic plans with Agenda 2063, implementing programmes such as the Programme for Infrastructure Development in Africa and instituting regional monitoring and evaluation platforms.

1. Sustaining peace

59. In accordance with Security Council resolution 2282 (2016) and General Assembly resolution 70/262, sustaining peace encompasses: (a) activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, such as preventive diplomacy, early warning activities and mediation, and also post-conflict recovery and reconciliation to prevent a relapse into conflict; and (b) activities that contribute to and create an environment conducive to peace and development by

addressing the root causes of conflict, including reconstruction, capacity-building and resilience activities. These two categories of activities are intertwined and mutually reinforcing, which reflects the importance of coherent, integrated and comprehensive approaches. Also, the promotion of inclusive and strong institutions may prevent conflict from erupting in a post-conflict country or a country that has not experienced conflict but where risks exist.

(i) Preventive diplomacy, mediation and early warning

60. Conflict prevention is essential to sustaining peace. The African Union has set conflict prevention as a key strategic priority since it is more effective, averts human suffering and costs far less in both human and financial terms than responding to conflicts. In the African Peace and Security Architecture, the Panel of the Wise and the Continental Early Warning System are key mechanisms to prevent conflicts. The Panel consists of five eminent persons who provide support to the Peace and Security Council and the Chairperson of the African Union Commission on preventive diplomacy. Since many regional economic communities have also developed structures similar to the Panel of the Wise, in 2013 the African Union and the regional economic communities established the Pan-African Network of the Wise to promote coordination between actors involved in preventive diplomacy and mediation.

61. Preventive efforts contributed to diffusing tensions in many situations in Africa. For election-related conflicts, the African Union and the regional economic communities have advanced prevention mechanisms, including pre-electoral political missions and electoral observation and monitoring missions, for example, in the successful engagement of ECOWAS, the African Union and the United Nations in the peaceful presidential elections in Ghana in December 2016. At the same time, the African Union Panel of the Wise often faces difficulties in coordinating various preventive diplomacy processes as many separate yet often overlapping initiatives of different panels, representatives and envoys are designated by the regional economic communities, the African Union and the United Nations to try to address the same conflict situations.

62. The African Union developed the Continental Early Warning System, which collects and analyses peace- and security-related information to advise the Peace and Security Council through the Chairperson of the African Union Commission. Many regional economic communities have also established subregional early warning systems. However, there continues to be a space for reinforcing coordination between continental and subregional systems as well as among subregional systems. Few early warnings are systematically integrated into decision-making processes in a way that has consistently led to early responses. The establishment of clear channels of communication on early warning reports to decision-making bodies, including the Peace and Security Council, is essential, as noted in the master road map of practical steps to silence the guns in Africa by the year 2020 of the African Union.

(ii) Post-conflict reconstruction

63. Post-conflict reconstruction and peacebuilding are crucial to sustaining peace and preventing countries from relapsing into conflict. Some post-conflict reconstruction activities, such as disarmament, demobilization and reintegration, are designed directly to sustain peace, while other efforts, such as institution-building and post-conflict reconciliation, serve to create an enabling environment for peace and development. Post-conflict reconstruction also needs to address livelihood opportunities across a variety of sectors to ensure that sustaining peace is viable.

64. Within the framework of the African Union, the Post-Conflict Reconstruction and Development Framework and the African Solidarity Initiative, which was initiated for mobilizing resources for the Framework, provide a framework for the design of post-conflict reconstruction activities. The African Union foresees the adoption of regional post-conflict reconstruction and development policies in every regional economic community. While the African Union has been implementing various post-conflict reconstruction and development initiatives in post-conflict countries such as the Central African Republic, Liberia and Guinea-Bissau, such programmes, including the African Solidarity Initiative, face persistent and serious challenges in mobilizing financial resources to effectively implement recovery projects.

65. At the subregional level, some regional economic communities have successfully implemented post-conflict reconstruction and development programmes, such as the IGAD training programme on security sector reform and disarmament, demobilization and reintegration in South Sudan and the trading for peace programme of the Common Market for Eastern and Southern Africa in the Great Lakes region. Many regional economic communities have yet to develop their post-conflict reconstruction and development frameworks and to reinforce their implementation capacities. Additional challenges were noted in the African Peace and Security Architecture road map for 2016-2020, such as the lack of a clear definition of responsibilities of the African Union and the regional economic communities, as well as the lack of regular exchanges among the communities.

2. Creating an enabling environment for peace

66. Effective conflict prevention needs to address the root causes of conflict by promoting sustainable socioeconomic development, good governance and respect for human rights. The African Union has addressed the structural causes of conflict in numerous key instruments. With regard to good governance and human rights, it established the African Governance Architecture, which includes the African Peer Review Mechanism, the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights. Agenda 2063 and its implementing arm, the NEPAD Planning and Coordination Agency, has also been pivotal in addressing socioeconomic development issues, including agriculture, infrastructure, energy and power, and climate change.

67. The African Union also developed the Continental Structural Conflict Prevention Framework, endorsed by the Peace and Security Council in 2015, to strengthen its long-term prevention activities. It described the Framework and the development of the country structural vulnerability assessment as a voluntary process. These new tools will complement existing mechanisms, including the African Peer Review Mechanism, to reduce the conflict vulnerability of member States. It is also important to underline the need for conflict-sensitive approaches, rooted in conflict analysis, when dealing with a fragile or post-conflict environment on the basis of the principle of "do no harm".

68. At the subregional level, the regional economic communities, as key pillars of the African Governance Architecture, have been striving to promote good governance and respect for human rights. Initiatives of the Southern African Development Community (SADC) to promote democracy and good governance include the adoption in 2004 of the Principles and Guidelines Governing Democratic Elections. Since 2008, ECOWAS has had a conflict prevention framework for promoting conflict prevention and human security, including structural conflict prevention. In a recent review of the ECOWAS Conflict Prevention Framework, however, it was noted that development partner support had been heavily focused on operational conflict prevention activities, such as early

warning, while structural conflict prevention activities, such as youth empowerment and natural resource governance, had received relatively little or no support.

69. The regional economic communities are vital to the promotion of inclusive sustainable development. As they were initially established to facilitate subregional economic integration, they have developed various instruments to that effect and play a central role in promoting trade liberalization through the establishment of the Continental Free Trade Area. In the long run, the efficiency gains caused by trade liberalization are expected to lead to positive employment effects, including improved youth employment. This therefore further contributes to the achievement of sustainable development and the creation of an environment conducive to peace and stability.

70. The African Union and the regional economic communities have been making great strides in norm-setting and policy development for the creation of an environment conducive to peace. However, the domestication and implementation of these policies and frameworks at the national, subregional and regional levels have not been executed speedily enough to effectively address the root causes of conflict owing to limited political will, inadequate monitoring and financial and technical constraints.

B. Partnerships with subregional and regional organizations in sustaining peace in Africa

1. Political cooperation

71. Political cooperation between the regional economic communities, the African Union and the United Nations enabled the successful resolution of political crises following presidential elections, such as in Guinea in 2015 or in the Gambia in December 2016. On those occasions, the responses of ECOWAS, the African Union and the United Nations proved to be swift and decisive. The international community spoke with one voice, including through joint communiqués. In Burundi in 2015, when the President expressed his intention to run for a third term, there was more difficulty in advancing peace because there was no political consensus among the members of the East African Community, the African Union and the United Nations. Ultimately, the lack of consensus contributed to prolonged political and social instability in the country.

72. Coordination, coherence and complementarity of perspectives and responses to conflict among subregional, regional and international institutions remain elusive. In the case of cooperation between the United Nations and the African Union, the annual consultative meetings between members of the Security Council and the African Union Peace and Security Council are therefore critical as they help both organs to reach a shared vision on conflicts and challenges in Africa before key decisions are made. In that regard, the role of the three non-permanent African members of the Security Council has been growing in sharing Africa's vision, perspectives and common positions at Council meetings. Similar consultations between the Peacebuilding Commission and the African Union Peace and Security Council could also be enhanced to promote political cooperation, along with closer coordination between the Peacebuilding Fund and the Post-Conflict Reconstruction and Development Framework of the African Union. In that regard, the meeting held in Addis Ababa in October 2016 between the members of the Peacebuilding Commission and the African Union Peace and Security Council to discuss ways to enhance cooperation was an important step.

73. The necessity to promote political cooperation includes intracontinental relationships between the African Union and the regional economic communities, as well as among the communities. For example, the relationship between the African Union and the communities is not fully defined in the Protocol relating to the Establishment of the Peace and Security Council of the African Union. As underlined in the African Peace and Security Architecture road map, there is a need to further promote dialogue between the Peace and Security Council and similar organs of the regional economic communities. At the subregional level, although overlap in areas of responsibility among regional economic communities sometimes causes political tensions within the institutions concerned, there are good examples of collaboration, such as between SADC and the International Conference on the Great Lakes Region in their efforts to sustain peace in the Democratic Republic of the Congo.

74. Lastly, some new regional peace and security initiatives have been developed to address emerging regional threats, including the Multinational Joint Task Force to fight against Boko Haram, the regional task force for the elimination of the Lord's Resistance Army, and the joint force of the Group of Five for the Sahel to fight violent extremism and terrorism in the Sahel region.

2. Institutional cooperation

75. Institutional and technical cooperation between the United Nations and the African Union and regional economic communities, including through the United Nations Office to the African Union, is vital to addressing peace and security challenges. The Office provides timely, coherent and coordinated strategic, operational and technical advice in prevention and mediation efforts, as well as in the planning and management of African Union peace support operations. Moving forward, the implementation of the Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security is an important step towards further strengthening the strategic partnership between the two organizations. The Framework provides guidance for concerted decision-making as well as joint strategy development and action to prevent and respond to conflicts and address their root causes.

76. At the subregional level, the United Nations has steadily been developing its institutional cooperation with the regional economic communities on peace and security. UNOCA enhanced its partnership with ECCAS within the context of their framework for cooperation and plan of action for 2017. The United Nations Office for West Africa and the Sahel and ECOWAS are currently developing a joint security sector reform and governance support programme to enhance capacity for implementation and provide support to member States. The Department of Political Affairs of the Secretariat has been reinforcing its partnership with IGAD on the basis of a framework for cooperation, and with SADC through the establishment of a liaison office in the SADC secretariat. Similarly, United Nations system agencies also provide support to regional economic communities, including support from the Office of the United Nations High Commissioner for Refugees to IGAD on the regional solutions for Somali refugees and FAO assistance to strengthen the capacities of the IGAD Conflict Early Warning and Response Mechanism. At the global level, the Office of the Special Adviser on Africa, through the organization of annual briefings given by the regional economic communities to Member States, provides a platform to the communities for global advocacy.

77. Sustaining peace cannot be achieved through institutional cooperation in the peace and security sector alone. Therefore, it is vital to reinforce comprehensive, complementary, coherent and coordinated institutional cooperation on a wide range of issues. Anchored in Agenda 2063, the partnership on Africa's integration and

development agenda provides the overall platform for cooperation between the United Nations and the African Union through the Regional Coordination Mechanism for Africa, enabling the United Nations system to better deliver programmes of comprehensive support to the African Union as well as the regional economic communities through subregional coordination mechanisms.

3. Financial cooperation

78. African regional organizations have been instrumental in addressing emerging peace and security threats, although they have been facing capacity gaps, including limited staffing, deficiencies in equipment, inadequate logistics and, especially, financial constraints. As identified in the African Peace and Security Architecture road map, notwithstanding several decisions made in the establishment of the Peace and Security Council, the African Union, regional economic communities and regional mechanisms still encounter challenges in assuming financial ownership of the Architecture and are highly dependent on bilateral and multilateral partners, including the European Union through the African Peace Facility.

79. To overcome those challenges, the African Union decided to operationalize the Peace Fund through a levy of 0.2 per cent on eligible imports to African countries. The levy is intended to endow the Peace Fund with an estimated $400 million in 2020. If achieved, it would allow for the African Union to meet its own commitment to finance 25 per cent of the cost of its own peace support operation.

80. Direct financial support was provided by the Peacebuilding Fund to the African Union Commission to support African Union human rights observers in Burundi in May 2016, a pioneering step forward in legal and financial cooperation between the United Nations and the African Union towards conflict prevention and recovery. This catalytic funding ended in February 2017 following the decision by the European Union to support African Union observers in Burundi.

81. The aforementioned example proves that the international community, including the United Nations, can provide reinforced financial support to complement Africa's efforts in sustaining peace. With regard to peace operations, the Security Council, in its resolution 2320 (2016), expressed its readiness to consider options in response to the African Union proposal to finance 25 per cent of the cost of such operations by 2020. This represents significant progress in advancing long-standing discussions between the two organizations on supporting operations. The updates and proposals requested by the Council were submitted by the Secretary-General in May 2017 (see S/2017/454) and the Chairperson of the African Union Commission in June 2017.

V. Conclusions and recommendations

82. The role of African regional and subregional organizations in sustaining peace has become more vital than ever given the evolving security landscape and the regional dynamics of conflict in Africa. Sustaining peace requires coherent, comprehensive and integrated interventions by African Member States, regional and subregional organizations and international partners. To prevent the eruption of armed conflict, conflict prevention and risk mitigation through early warning are crucial to address the root causes of conflict, particularly in fragile countries and post-conflict situations.

83. As first responders, the African Union, regional economic communities and regional mechanisms have been playing an increasingly proactive and fundamental role in addressing peace and security threats through the steady implementation of

the African Peace and Security Architecture. The international community needs to further strengthen cooperation with those actors through increased political, institutional and financial support. This would entail a bold vision and initiatives to explore innovative solutions and provide a better anticipation of needs on the continent.

African countries, the African Union and the regional economic communities

84. Sustaining peace requires enhanced and inclusive national ownership and leadership. This entails African countries strengthening the capacities of pre-existing local infrastructure for peace and establishing national policies to lay the foundations for sustaining peace. It also requires the full participation of partners and all segments of society, in particular women and youth, as well as other actors, including African regional and subregional organizations, in peace and political processes and governmental efforts towards sustaining peace.

85. To address the root causes of conflict, African countries are encouraged to proactively participate in the existing mechanisms such as the African Peer Review Mechanism and the country structural vulnerability assessment of the African Union. It is also crucial to domesticate international and regional norms and policies, including the 2030 Agenda for Sustainable Development and Agenda 2063, and to promote their effective implementation. Similarly, to advance implementation of both agendas, it is necessary to further reinforce institutional interlinkages at the continental level among the African Peace and Security Architecture, the African Governance Architecture and the development architecture of the African Union, such as NEPAD and other regional initiatives.

86. Enhanced links between early warning mechanisms and early responses are key to preventing conflict. The Constitutive Act of the African Union provides for the right of the Union to intervene in a member State, even against the will of the Government concerned, in case crimes against humanity are committed. To reinforce early warning systems, African countries and the regional economic communities are encouraged to further develop partnerships with the United Nations and civil society organizations, including youth and women associations, as well as faith organizations and traditional and religious leaders. Key actors at the grass-roots level often possess first-hand information on how to tackle the root causes of conflict and achieve peace and security.

87. With a view to generating a common understanding on sustaining peace in the country concerned, regional economic communities could play an interface role between national and subregional initiatives in a manner that is coherent with broader continental and international support.

88. To effectively address cross-border threats, including violent extremism and terrorism, regional economic communities should further develop political and institutional cooperation among themselves. To that end, reinforced collaboration among ECOWAS, ECCAS and the Lake Chad Basin Commission was encouraged by the Security Council in its resolution 2349 (2017) through the development of a comprehensive strategy to address the root causes of the emergence of Boko Haram. The cooperation among the regional economic commissions could be replicated in addressing the root causes of conflict in the Sahel and other regions.

International community and the United Nations system

89. The international community, including the United Nations system, should strengthen its support for African regional organizations with regard to early warning systems, conflict prevention, including mediation, post-conflict recovery, capacity-building, resilience and other related issues. Technical support, such as

information-sharing and communications technology, should be provided for the reinforcement of early warning systems at all levels on the continent. Support for conflict prevention activities has often been overlooked by the international community, including in situations of humanitarian crisis.

90. The United Nations needs to provide more coherent, comprehensive, integrated and coordinated support to African regional organizations, especially through the implementation of the United Nations-African Union partnership on Africa's integration and development agenda. In that respect, all United Nations entities are encouraged to strengthen partnerships and collaboration at all national, subregional, regional and international levels through existing mechanisms. Development partners that intervene in a fragile or post-conflict setting should also integrate conflict-sensitive approaches, based on the principle of "do no harm", to their programmes and strategies.

91. As conflict situations become more complex and intractable, collaboration between the United Nations, the African Union and regional economic communities should be reinforced to strengthen their preventive efforts. The role of other stakeholders, including Special Representatives and Special Envoys of the Secretary-General, should also be reinforced. In that regard, collaboration among those players remains crucial for political consensus.

92. Notwithstanding the positive evolution of the African Union and the strengthened United Nations-African Union partnership, including on financing, as well as the commendable efforts of the African Union towards marshalling additional resources from African countries, the operationalization of the African Peace and Security Architecture still relies heavily on the support of the international community.

93. The United Nations will continue to work towards a shared vision for implementing sustaining peace in Africa and building a better future for its people. This vision needs to articulate clearly the objectives and roles that the United Nations and the African Union can play in a mutually reinforcing way. To assist African subregional and regional organizations in their efforts to strengthen the financial autonomy of the African Peace and Security Architecture, the United Nations and other partners are encouraged to develop innovative frameworks to mobilize funds for long-term and sustained financial engagements. Reinforcing the capacity of African countries and regional organizations on domestic resource mobilization would require support from international and regional financial institutions.